

ARCHAEOLOGIA:
OR,
MISCELLANEOUS TRACTS

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ARCHAEOLOGIA :
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MISCELLANEOUS TRACTS,
&c.

I. *Some details of a Murrain of the Fourteenth Century ; from the Court Rolls of
a Norfolk Manor. By HENRY HARROD, Esq., F.S.A.*

Read February 1, 1866.

OF the great Murrains of the Middle Ages, we know little or nothing; the statements of the chroniclers about them are so meagre and vague, that we get but few facts except the dates of the years in which they occurred, and even in that particular the Chronicles are not always correct. Under such circumstances, I felt it my duty, when some original information relative to a Murrain in the Fourteenth Century came under my notice, to take some little trouble in selecting and arranging the materials in order to place them before the Society. The additional knowledge of these visitations, thus obtained, may not be considerable, but a number of small facts may be of some service, in elucidating the character and effect of them.

The first Murrain recorded in the Fourteenth Century was a very severe one in 1316, of which Holinshed* says, "by reason of the Murrain that fell among cattle, beefs and muttons were *unreasonably* priced," a statement which might fairly be repeated in the present day.

The next on record is stated to have occurred in 1348, and to have broken out simultaneously with the Great Pestilence among men; most of the Chroniclers are too full of the more important visitation to say much about the Cattle Plague, and very few particulars of its extent and character are to be gathered.

* Holinshed, 323.

Knyghton is almost the only one who enters into any details; these are, that it was principally among the sheep; and that in one place more than 5,000 sheep died, and that neither beast nor bird would touch the flesh; and that the fear of it was so great, that cattle were disposed of for very small prices; a horse worth forty shillings for half-a-mark, a fat bullock for four shillings, a cow for twelve shillings, &c., but no one says when it ceased; there is not, so far as I am aware, any notice of it later than 1349.

William of Worcester records, under the date of 1363, that there was at that time a great Murrain of animals; and Grafton, under the year 1369, says there was in that year a third mortality of men, "and likewise a marvellous Murrain upon cattell, so that the like had not been seen in many years before."

Again, Knyghton says that in 1386 there was another Murrain of Cattle.

And here, I think I have pretty well exhausted all the information the chronicles afford.

In looking over some Court Rolls of the Manor of Heacham, in the county of Norfolk, I met with some particulars of the Murrain during the reigns of Edward III., Richard II., and Henry IV., which I have extracted, and by the courtesy of the solicitors of Mr. Le Strange, the present lord, I am permitted to bring them before the society.

The Manor of Heacham was one of the possessions of the Great Priory of St. Pancras at Lewes; and at the time to which I am about to refer, the farm was carried on by a resident bailiff, whose accounts were regularly audited by two of the monks of Lewes, who went over to Heacham every November for that purpose.

The accounts taken were extremely minute and careful, and the particulars of the live stock showed all the additions, sales, and losses of every description during the year ending at Michaelmas. To assist the auditors in testing the accounts of the bailiff, the presentments of the losses by murrain appear to have been made on oath at the Manor Courts; another reason, probably, was to absolve the shepherds, who were bond tenants of the manor, from liability on account of the losses when not happening from want of proper care on their part.

The presentments on the Court Rolls commence in the 21st year of Edward III., 1347, and whatever may have been the case in other parts, in this corner of the kingdom the murrain seems to have continued more or less severely during the rest of the reign of Edward III., during the entire reign of Richard II., and until the 13th year of Henry IV., a period of 63 years.

The bailiffs' accounts for the whole of this period have not been preserved; a

portion of them only remains ; and from this I have gleaned a few particulars to assist in explaining the entries on the rolls.

The stock account for the 33rd year of Edward III. shows that at that time there were upon the farm 12 horses and stots,^a 53 head of cattle, and 7 calves, 733 sheep, and 140 lambs.

In that of the 18th year of Richard II. there were 10 horses, 46 head of cattle, and 8 calves, 374 sheep, and 70 lambs.

I have been unable to find any later accounts of Richard II. or any of Henry IV.

The great pestilence commenced in London in November, 1348, and the chroniclers generally state that the murrain amongst the cattle commenced at or about the same time, but the first presentment I find about it in the Heacham Court Rolls fixes the commencement of it in that manor in August, 1346, more than two years before.

This presentment, which was at a Court held the Monday after the feast of the Invention of the Cross, in the 21st year of Edward III., is to the following effect :—"De murina, jurati presentant quod unus bos, tres boviculi, unus stottus, unus hurtardus, tres multones, tres oves matrices, et quinque hogastri moriebantur inter Gulam Augusti et diem hujus curie casualiter et non ob defectum alicujus custodie. Item quod sex porculi similiter moriebantur in hyeme non ob defectum, &c. Item quod septem porcelli in hyeme similiter, &c."

Little more than another month had elapsed when another Court was held on the Thursday after the feast of St. Barnabas, when the following presentment appears :—"De murina, jurati presentant quod una vacca post vitulacionem circa festum Sancte Trinitatis moriebatur, unus vitulus similiter moriebatur, septem multones ante tonsionem, novem oves matrices ante tonsionem et agnelacionem, novem hoggastri ante tonsionem, et triginti et sex agni et octo porculi similiter non ob defectum, &c."

But it is not my intention to place the whole mass of these presentments before you. I have appended a number of them sufficient to show the character of them to this paper,^b and will now merely state that during the 21st year of Edward III.

^a I have treated the animals described "stots" as horses—not because I believe them to be so in every case where the word is used, but because the Stock Accounts of this Manor clearly designate the horses so.

^b These extracts include the whole of the entries of murrain for the 21st and 39th Years of Edward III., the 11th and 22nd of Richard II., and the 8th and 9th of Henry IV. It is as well, however, that I should state that every presentment on the Rolls relating to murrain was extracted, and remains in my possession, so that the figures of the general statement can be tested at any time.

there appears to have died on this farm 1 horse, 7 bullocks, 2 cows, a calf, 48 sheep and 36 lambs, 3 sows, and 43 pigs.

In the 22nd year, 1 horse, 5 bullocks, a cow, 3 calves, 60 sheep, and 40 lambs.

In the 23rd year, the year of the pestilence, there is but one presentment, recording the death of 11 ewes and 6 pigs.

In the following year but a single death, that of a ewe, and in the 25th year nothing whatever, and it might fairly be supposed to have ended.^a In the 26th year it begins again, commits more havoc in the 27th year, but less again in the 28th, and the 29th year is again a blank; once more it is rife in the 30th; and in the 31st, 129 sheep and 96 lambs are on the death roll; it has again nearly spent itself in the 35th year, but deaths by it continue in each successive year; and in the 39th the numbers rise again to 152 sheep and 190 lambs. In the 11th year of Richard II. 143 sheep and 113 lambs died.

During all this time other cattle suffered, but not at all in like proportion to the sheep.

The effect of its ravages will be better understood by the statement I have carefully prepared from the presentments, which shows the total of deaths of each kind of stock in every year during the continuance of the murrain. It will be seen from it that so late as the 8th year of Henry IV., 8 bullocks, 13 cows, and 66 sheep died, and the account closes in the 13th year with a sow and 3 pigs.

It will be seen, too, from this account, that among the sheep, the lambs, ewes, and hoggets were most affected by it, and the calves and cows more in proportion than the other stock. Occasionally, too, the swans and peacocks died from it; a few geese and capons are recorded, but other poultry are scarcely once mentioned.^b

The peacocks were much valued on account of their wings, which frequently figure in the accounts, fetching eightpence a pair, the value of a couple of geese, and very nearly the value of a sheep.

The swans, too, were in much esteem, and great care taken in their preservation. In the Lewes Chartulary in the British Museum is a copy of an indenture of

^a The Rolls for this year and the 29th are not complete; and, since the above was written, a small fragment of one of this year, with the remains of a murrain entry on it, has been found, but too much decayed to make out anything but the marginal note.

^b Where the loss has arisen from other causes, and has been accidentally included in the murrain account, the cause of the loss is inserted. In the 42nd Edward III. "*Item octo hyres apum*," is immediately followed by "*per tempestatem yemis*."

the 24th of Edward III., between the Prior and Simon Baret of Heacham, reciting that, on a piece of water there, a pair of swans had their nests in the reeds at the north end, and another pair on a cart wheel in the middle of the water, and it was determined that the progeny of these swans were to be divided between the Prior and Baret equally.

In the bailiff's accounts, too, payments appear for constructing the swans' nests in the same water.

But perhaps the most curious fact appearing in these extracts, is that the murrain affected the bees. I began to suspect, when the first few entries of hives of bees fell under my notice, that losses from other causes than murrain were mixed up in these presentments; but two of the 45th year of Edward III. put the matter at rest, as they expressly state that so many "*ruscæ apium sunt in morinâ.*" As many as ten hives were lost in that year, and there was some loss in the apiary nearly every year for twenty years.

The details given in the presentments are very minute as to the period of the death of the animals; it being stated, not only that so many ewes, so many hoggets, so many lambs, &c., had died, but also whether before or after shearing, and in the case of ewes whether before or after lambing. For this latter, the word "*fenatio*" is, except in a few of the early entries, made use of nearly throughout; "*una oves matrix ante fē et tōn,*" is the common mode of recording it. In the early entries, too, it is stated whether the carcass and skin were of any or no value. In some cases they were declared to be so, and by the accounts it appears some were sold; many, indeed, of the skins; but the prices realised were very small.

The first presentments I have called attention to were made by the jury or homage of the court, on the Thursday after St. Martin, in the 21st of Edward III. The presentment is made by the *coroners*, and so it continues down to the 26th year, when the homage and coroners jointly make it; and on the Wednesday before the feast of St. Thomas the Apostle of that year the entry is "*Humagium et Coronatores presentant quod Dominus habet in murina viginti et septem hoggastros,*" &c.

After this for some years the entry simply states the fact that the Lord had in murrain such and such cattle, without expressly stating by whom such presentment was made. In the 46th year of Edward III. new officers appear on the scene. At the court on Monday after the Purification the presentment is made by the bailiff, sub-bailiff, and cadaverators, but during the rest of the reign as before. In the first of Richard II., at the court on Monday before St. Wynwaloc

the Abbot, the presentment is made by the whole homage with the *cadaverators*, and by these latter many of the subsequent presentments are made.

I presume these officers had the charge of the disposal of the carcases of the cattle dying of murrain, and I occasionally met with their election by the homage of the courts, as on the Tuesday after St. Valentine 7th Richard II.—“They elect John Barnege and Geffrey Cay into the office of *cadaverators*, who say, &c.,” and again in the course of the following year—“They elect John Baronne and Geffrey Cay into that office, and they are sworn, &c.”

They continue to take an active part in the proceedings until the termination of the visitation.

It may be asked whether anything appears to have been done to endeavour to stay the progress of the disease by medicine? And to this I can give no very satisfactory reply, as so few of the bailiff's accounts exist. The entries on the Court Rolls being made for a particular purpose having no relation to that matter, it was hardly to be expected that any information on this point could be gleaned from them. But once in the course of the whole affair does he who holds so important a place for good or for evil in the present visitation appear, and that for no curative purpose; but once only, and that in the 34th of Edward the III., have we any allusion to the “*Veterinarius*.” Eight sheep dead of the murrain “*vendebantur per visum veterinarii*.” It may be that he was on the spot endeavouring to effect cures, and so came to be called in to pass an opinion on the propriety of selling the diseased mutton. Only one entry do I find on the bailiff's accounts of an attempt at cure; this is in the expenses of the 17th Richard II., when 12*d.* was paid according to agreement to a certain smith of Anmer (a village a few miles distant from Heacham), coming twice to Heacham to physic a stott, and as I find a stott died that year, I fear we must conclude that physic then, as now, was of little avail.

I can hardly take upon me to say whether some entries in the stock accounts of the 47th and 48th years of Edward III. point at efforts at cure in another direction or not. I should at least mention that in the stock accounts for those years (and at no other period) I find that one lamb in each year was disposed of “*in dono domini ad honorem Sancti Antonii*.”

From the two bailiff's accounts I have before referred to, the 33rd Edward III. and the 18th Richard II., it will seem that the stock on the farm had considerably diminished, the sheep in the latter account amounting to only about half the number mentioned in the former. The purchases of stock were less on some occasions, the lambs much less numerous, and many ewes are stated to have

been sterile; and I also observe such entries as, that a dozen very sickly hoggets were sold "*pro timore morinæ.*" These particular ones were sold at $3\frac{1}{4}d.$ a head, the current price at that time being $17d.$ If they were (as it seems likely they were) affected with the disease, it was a ready way of spreading it.

I trust I have sufficiently shown, without troubling you with a mass of extracts, (of which those in Appendix B are not a twentieth part,) that the murrain mentioned to have occurred in 1348, and those of 1363 and 1369, were really one continuous visitation.

It is quite certain, that on this one farm in the western part of the county of Norfolk it commenced in 1346, and continued rising and falling in intensity, until it almost suddenly ceased in November 1411. So accustomed had people become to it by the 44th Edward III., that it is spoken of as the "common murrain," and although it does not appear to have swept off the entire flock, as in the case mentioned by Knyghton, the aggregate loss is very large, and if the numbers lost on other farms bore any proportion to these, the effect in such a county as Norfolk must have been very serious.

It is right I should mention, that, although many of the Heacham Court Rolls are much injured from damp and decay, I believe but a very few are missing during these 63 years; and that, if all were recovered and legible, there would be very little difference in the results I have placed before you.

I have found similar presentments in rolls of an adjoining manor, but these unfortunately have suffered greatly from damp and ill-usage, and in many cases to open them is to destroy them. Nor could I expect the inspection to repay the trouble, for there did not exist the same state of affairs as rendered it necessary at Heacham to record the ravages of the disease.

I do not flatter myself that I have made any very large or very useful addition to our knowledge about murrains, but it seemed to me a curious account of what a single farm suffered by one; and, by thus bringing it before the Society, I may stimulate others to look into the Court Rolls of more important manors, when information of greater value may be brought to light.

APPENDIX A.

STATEMENT OF THE YEARLY LOSS BY MURRAIN ON THE MANOR

| Actual Stock in 33rd Edward III. Earliest Bailiff's Account. | | EDWARD III. | | | | | | | | | | | | | | | | | |
|---|----|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|
| | | 31st | 22nd | 23rd | 24th | 25th | 26th | 27th | 28th | 29th | 30th | 31st | 32nd | 33rd | 34th | 35th | 36th | 37th | |
| 12 Horses and Stots | 1 | 1 | — | — | — | — | — | 3 | — | 1 | — | 1 | 1 | 3 | — | 1 | — | — | |
| 2 Bulls | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | 1 | |
| 15 Bullocks, &c. | 7 | 5 | — | — | — | — | — | 1 | — | 5 | — | — | — | — | — | — | — | — | |
| 35 Cows | 2 | 1 | — | — | — | 1 | — | 1 | — | 3 | — | — | 1 | — | — | — | — | — | |
| 7 Calves | 1 | 3 | — | — | — | 5 | 2 | 3 | — | 9 | 1 | 2 | 1 | 1 | — | 1 | — | — | |
| 356 Sheep..... | 10 | 13 | — | — | — | — | 4 | 3 | — | 5 | 7 | 31 | 15 | 12 | — | — | — | 3 | |
| 4 Rams | 3 | — | — | — | — | 1 | 5 | — | — | 2 | 1 | 1 | — | — | 1 | 5 | 2 | — | |
| 138 Ewes | 21 | — | 11 | 1 | — | — | 10 | 4 | — | 7 | 10 | 18 | 10 | 5 | 3 | 3 | 9 | — | |
| 97 Hoggets | 14 | 47 | — | — | — | 27 | 67 | 11 | — | 17 | 110 | 27 | 67 | 19 | 7 | 4 | 6 | — | |
| Total of Sheep..... | 48 | 60 | 11 | 1 | .. | 28 | 86 | 18 | .. | 29 | 129 | 77 | 93 | 36 | 11 | 12 | 20 | — | |
| 140 Lambs | 36 | 40 | — | — | — | — | — | 11 | — | 62 | 96 | 6 | 41 | 1 | — | — | — | — | |
| 3 Boars..... | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| 4 Sows | 3 | — | — | — | — | 2 | 1 | 1 | — | 2 | — | — | — | 1 | — | 1 | 3 | — | |
| 5 Pigs | 10 | — | — | — | — | 3 | — | 1 | — | 2 | — | — | 4 | — | — | — | — | — | |
| 96 Young Pigs | 33 | 17 | 6 | — | — | 15 | 2 | 5 | — | 6 | 22 | 3 | 30 | — | — | — | — | — | |
| 10 Swans | — | — | — | — | — | — | — | — | — | — | — | — | 1 | — | — | — | — | 2 | |
| Peacocks | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| Peahens | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| Capons | — | — | — | — | — | 3 | — | — | — | 1 | — | — | — | — | — | — | — | — | |
| Cocks | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| Hens | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| 4 Hives of Bees | — | — | — | — | — | — | — | — | — | 3 | 2 | 1 | 2 | — | — | — | — | — | |
| 29 Geese | — | — | — | — | — | 3 | — | — | — | — | 3 | — | — | — | — | — | — | — | |

| Denominations of Stock. | EDWARD III. | | | | | | | | | | | | | | | RICHARD II. | | |
|-------------------------|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|-----|-------------|-----|--|
| | 38th | 39th | 40th | 41st | 42nd | 43rd | 44th | 45th | 46th | 47th | 48th | 49th | 50th | 51st | 1st | 2nd | 3rd | |
| Horses and Stots | 1 | 1 | — | — | — | 1 | — | — | 1 | 1 | — | — | — | — | — | — | — | |
| Bulls | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| Bullocks, &c. | — | — | — | 4 | 1 | 4 | 5 | 1 | 1 | 1 | 1 | 2 | 5 | — | 1 | 1 | — | |
| Cows | — | — | — | 3 | 1 | — | — | 1 | — | — | 2 | — | 1 | — | — | 1 | — | |
| Calves | 2 | 3 | 2 | 1 | — | 2 | 3 | 2 | 1 | 7 | 1 | 6 | 7 | 1 | — | 3 | — | |
| Sheep | 22 | 22 | 6 | 15 | 7 | 18 | 23 | 10 | 15 | 25 | 18 | 7 | 19 | 7 | 22 | 15 | 5 | |
| Rams | 1 | 2 | 1 | 3 | — | — | — | 1 | — | — | 2 | — | — | 2 | 3 | 7 | 1 | |
| Ewes | 17 | 12 | 13 | 4 | 8 | 18 | 65 | 10 | 5 | 24 | 22 | 14 | 15 | 32 | 10 | 10 | 15 | |
| Hoggets | 23 | 118 | 81 | 76 | 42 | 31 | 64 | 5 | 32 | 75 | 9 | 27 | 34 | 52 | 20 | 3 | 7 | |
| Total of Sheep..... | 68 | 154 | 101 | 98 | 57 | 67 | 152 | 26 | 52 | 124 | 51 | 48 | 68 | 93 | 55 | 35 | 28 | |
| Lambs | 16 | 54 | 43 | 44 | 53 | 105 | 190 | 16 | 33 | 101 | 19 | — | 33 | 85 | 3 | 1 | 5 | |
| Boars..... | 1 | 1 | — | — | — | 1 | — | — | — | 1 | — | 1 | — | — | — | 1 | — | |
| Sows | — | — | 1 | — | — | 3 | — | — | — | — | — | 1 | 1 | — | — | — | — | |
| Pigs | 3 | 1 | 5 | 1 | 2 | — | 1 | — | — | 3 | — | 2 | 3 | — | 2 | 2 | — | |
| Young Pigs | 8 | 15 | 9 | 4 | 7 | 16 | 7 | 1 | 5 | 15 | 6 | 17 | 12 | 3 | 9 | — | 5 | |
| Swans | 1 | 10 | 2 | 2 | — | 10 | 3 | — | — | — | — | 1 | — | — | 1 | 1 | — | |
| Peacocks | — | — | — | — | — | — | — | — | 1 | — | — | — | — | — | — | — | — | |
| Peahens | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| Capons | — | — | 2 | 4 | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| Cocks | — | — | — | 3 | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| Hens | — | — | — | 2 | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| Hives of Bees | — | — | — | — | — | 2 | 3 | 10 | — | 1 | 4 | 1 | 4 | 5 | 3 | — | 1 | |
| Geese | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |

APPENDIX A—continued.

FARM AT HEACHAM FROM 21ST EDWARD III. TO 13TH HENRY IV.

| Denominations of Stock. | RICHARD II. | | | | | | | | | | | | | | | | | |
|-------------------------|-------------|-----|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|--|
| | 4th | 5th | 6th | 7th | 8th | 9th | 10th | 11th | 12th | 13th | 14th | 15th | 16th | 17th | 18th | 19th | 20th | |
| Horses and Stots | — | 4 | — | 1 | 3 | — | — | 1 | — | — | — | 1 | 1 | 1 | 1 | — | — | |
| Bulls | — | — | — | — | 1 | — | — | — | — | — | — | — | — | — | — | — | — | |
| Bullocks, &c. | 4 | 4 | 5 | — | 5 | — | 1 | 4 | 2 | 2 | 2 | 4 | — | — | 1 | 1 | — | |
| Cows | 2 | — | 1 | — | 1 | — | 1 | — | — | — | — | 1 | — | — | — | — | — | |
| Calves | 1 | 2 | 1 | — | 1 | — | 2 | 2 | — | 3 | 3 | — | — | — | — | — | — | |
| Sheep | 7 | 23 | 10 | 16 | 24 | 6 | 4 | 10 | 9 | 10 | 3 | 5 | 8 | 9 | 8 | 3 | — | |
| Rams | — | — | — | — | 1 | — | 1 | 1 | — | — | — | — | — | 2 | 3 | — | — | |
| Ewes | 14 | 9 | 20 | 5 | 20 | 9 | 6 | 63 | 36 | 42 | 14 | 24 | 9 | 9 | 6 | 10 | — | |
| Hoggets | 15 | 17 | 6 | — | 31 | 6 | 16 | 69 | 8 | 14 | 10 | 19 | 35 | 41 | 19 | 9 | — | |
| Total of Sheep | 36 | 49 | 36 | 21 | 82 | 21 | 27 | 143 | 53 | 66 | 27 | 48 | 52 | 61 | 36 | 22 | — | |
| Lambs | 87 | 4 | 11 | 14 | 48 | 23 | 23 | 113 | 35 | 38 | 14 | — | 25 | 5 | 15 | 3 | — | |
| Boars | — | — | 1 | — | — | — | — | — | — | — | — | — | — | 1 | 1 | 1 | — | |
| Sows | 1 | 2 | 4 | 2 | 1 | 2 | 2 | 1 | — | 1 | 1 | 1 | 2 | 3 | 1 | 2 | — | |
| Pigs | 4 | 13 | 3 | — | — | 2 | — | — | 7 | — | 12 | — | — | 5 | 2 | 3 | — | |
| Young Pigs | 39 | 18 | 12 | 3 | 3 | 20 | 17 | 5 | 3 | — | 1 | 7 | 8 | 19 | 16 | 36 | — | |
| Swans | — | — | — | — | 1 | 1 | — | — | — | — | — | — | — | — | 1 | — | — | |
| Peacocks | — | — | — | 1 | — | 1 | 1 | 2 | — | 3 | 1 | — | 4 | 1 | 1 | — | — | |
| Peahens | — | — | — | — | — | — | 2 | 1 | — | 5 | — | — | 5 | — | — | 2 | — | |
| Capons | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| Cocks | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| Hens | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |
| Hives of Bees | 3 | 3 | 2 | — | 2 | — | 1 | — | — | — | — | — | — | — | — | — | — | |
| Geese | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | |

| Denominations of Stock. | RICHARD II. | | | | HENRY IV. | | | | | | | | | | | | |
|-------------------------|-------------|------|------|------|-----------|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|------|
| | 20th | 21st | 22nd | 23rd | 2nd | 3rd | 4th | 5th | 6th | 7th | 8th | 9th | 10th | 11th | 12th | 13th | 14th |
| Horses and Stots | — | — | 1 | 1 | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Bulls | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Bullocks, &c. | 1 | — | — | — | — | — | 1 | — | — | 1 | 8 | — | — | — | — | — | — |
| Cows | — | 2 | — | 1 | — | — | — | — | — | — | 13 | 2 | — | — | — | — | — |
| Calves | 1 | — | 3 | — | — | — | 2 | — | — | 3 | 3 | 2 | 4 | 4 | 4 | — | — |
| Sheep | 44 | 9 | 16 | 26 | 14 | 2 | 9 | 5 | — | 19 | 10 | 12 | 10 | 5 | — | — | — |
| Rams | 2 | 1 | 2 | — | 2 | — | — | — | — | — | 4 | — | — | 1 | — | — | — |
| Ewes | 22 | 12 | 47 | 42 | 28 | — | 25 | 6 | — | 22 | 27 | 37 | 25 | 16 | 1 | — | — |
| Hoggets | 42 | 31 | 60 | 31 | 50 | — | 57 | 10 | — | 38 | 29 | 25 | 25 | 4 | 3 | — | — |
| Total of Sheep | 110 | 53 | 125 | 99 | 94 | 2 | 91 | 21 | — | 79 | 66 | 78 | 60 | 36 | 4 | — | — |
| Lambs | 24 | 13 | 26 | 22 | 27 | 3 | 7 | 16 | — | 5 | 6 | 11 | — | — | — | — | — |
| Boars | — | 1 | — | — | 2 | — | 1 | 1 | — | 1 | — | 1 | — | — | — | — | — |
| Sows | 2 | 3 | 1 | 1 | 3 | — | 3 | 1 | — | 1 | 4 | 5 | — | — | 3 | 1 | — |
| Pigs | 18 | — | — | 11 | 7 | — | 3 | — | — | 2 | 10 | 5 | 6 | — | — | — | — |
| Young Pigs | 10 | 24 | 9 | 19 | 8 | — | 17 | 2 | — | 16 | 4 | 34 | 22 | 24 | 5 | 3 | — |
| Swans | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Peacocks | — | 1 | — | 2 | — | 1 | 1 | — | — | 2 | — | — | — | 1 | — | — | — |
| Peahens | — | 2 | 2 | 1 | 1 | — | — | 1 | — | — | — | — | — | — | — | — | — |
| Capons | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Cocks | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Hens | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Hives of Bees | — | 1 | 2 | — | 1 | — | — | 3 | — | — | — | — | — | — | — | — | — |
| Geese | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |

APPENDIX B.

EXTRACTS FROM THE COURT ROLLS.

HECHAM.—Anno Regni Regis Edwardi Tercii post Conquestum xxj^o.

Curia ibidem tenta die Lune proxima post festum Inventionis S. Crucis anno supradicto.

De murina. Jurati presentant quod unus bos, iij. boviculi, j. stottus, unus hurtardus, iij. multones, iiij. oves matrices, & v. hoggastrī moriebantur intra Gulam Augusti & diem huius curie casualiter & non ob defectum alicujus custodie. Item quod vj. porculi similiter moriebantur in yeme non ob defectum &c. Item quod vij. porcelli in yeme similiter.

Curia [&c.] die Jovis proxima post festum Sancti Barnabe Apostoli, anno [&c.] xxj^o.

De murina. Jurati presentant quod j. vacca post vitulacionem circa festum Sancte Trinitatis moriebatur, j. vitulus similiter moriebatur, vij. multones ante tonsionem, ix. oves matrices ante tonsionem & agnelacionem, ix. hoggastrī ante tonsionem, & xxxvj. agni & viij. porculi similiter non ob defectum, &c.

Curia [&c.] die Jovis proxima post festum Sancti Martini Episcopi, anno supradicto.

Murina. Coronatores presentant quod j. vscā in murina in autumpno ante vitulacionem. Item iij. juvencule in autumpno. Item ij. hurtardi ante festum Sancti Martini. Item vj. porci ante festum Omnium Sanctorum. Item xij. porculi ante festum Sancte Fidei Virginis, non ob defectum custodie sed de fortuna.

Curia [&c.] die Jovis proxima post festum Sancti Hillarii, anno xxj^o.

Murina. Coronatores presentant quod viij. oves matrices moriebantur ante tonsionem. Item iij. sues ante Natale & iiij. porci non ob defectum custodie sed de fortuna.

Curia [&c.] die Lune proxima ante festum Sancte Margarete, anno [&c.] xxij^o.

Murina. Coronatores presentant quod j. stotte vocatus Pontewe ante festum Nativitatis Sancti Johannis Baptiste, iij. vituli lactantes in estate. Item j. multo post tonsionem. Item iij. hoggastrī post tonsionem.

Curia [&c.] die Jovis proxima post festum Apostolorum Simonis & Jude, anno [&c.] xxij^o.

Murina. Coronatores presentant quod xxiiij. hoggastrī in murina non ob defectum custodie sed casualiter.

Curia [&c.] die Martis in vigilia Sancti Jacobi, anno [&c.] xxvj^o.

Murina. Humagium et coronatores presentant quod habentur in murina ij. sues, ij. porcelli, iij. anceri, et iij. kapones.

Curia [&c.] . . . ante festum Sancte Margarete, anno [&c.] xxvij^o.

Murina. Dominus habet in murina unum boviculum etatis unius anni, unam vaccam ante vitulacionem, unum equum . . . unum porcū die ante curiam istam, ij. porcellos, xj. agnos post

signacionem, et respondent d[omino de] pellibus, & carcasa nullius valoris per testimonium coronatorum. Item j. ovis post agnellacionem & ante tonsionem, unam pellem et carcasa vendebantur pro iiij.d., et j. hogastram feminam post tonsionem.

Curia [&c.] die Mercurii ante festum Sancte Margarete, anno [&c.] xxxj^o.

Murina. Dominus habet in murina xx. hogastros masculos. Item xxij. hogastras feminas. Item iiij. porculos. Item j. sus. Item iij. oves matrices. Item xij. porcellos. Item j. ancerem masculum. Item alium ancerem masculum. Item, unum hurtardum. Item ij. motones. Item iiij^{as} & xvj. agni. Item ij. ruschas apium.

Curia [&c.] die Mercurii ante festum Annunciationis beate Marie Virginis, anno [&c.] xxxij^o.

Murina. Dominus habet in murina x. multones, quorum carcasia ij. vendebantur xj.d. Item xij. oves matrices. Item xv. hogastros. Item j. porculum, ij. porcellos. [Item j. ruscha apium sine murrina vendebatur ij.s. v.d.]

Curia [&c.] die Jovis in Cena Domini, anno xxxij^o.

Morina. Dominus habet in murina x. multones, viij. oves matrices, lj. hogastros, et xxij. agni.

Curia [&c.] die Lune proxima post festum Sancti Mathie Apostoli, anno [&c.] xxxiiij^o.

Morina. Dominus habet in morina ij. oves matrices ante feonacionem, octo multones, et vendebantur per visum veterinarii. Item vij. hogastros. [Item ij. stottes per molte selonge.] Item j. vitulum. quorum ob iij. multones vendebantur pro xvij.d. et carcasiu j. multonis vendebatur viij.d., et carcasiu j. vituli vendebatur pro vj.d.

Curia [&c.] die Lune proxima post festum Sancti Hillarii, anno xxxvij^o.

Murina. In morina iij. multones, quorum ij. cum pellibus vendebantur pro xx.d., iij. oves que vendebantur cum pellibus pro iiij.s. iiij.d. Item ij. oves pro ij.s. Item una ovis pro viij.d. Item ij. oves, j. vendebatur pro iiij.d. Et est predicta morina omnium ovium predictarum ante feonacionem. Item j. hogastrus . . . Item ij. signeti, unus mactabatur cum canibus apud Bradwater, et alius pendet in manerio.

Curia [&c.] die Sabbati proxima post festum Sancti Barnabe Apostoli, anno xxxviiij^o.

Morina. Presentant quod in murina vj. oves matrices . . . Item viij. multones. Item v. hoggastri. Item j. equus, pellis vendebatur pro x.d. Item j. vitulus, pellis vendebatur pro vj.d.

Curia [&c.] die anno xxxix^o.

In murina ij. multones. Item j. porculus et ij. porcelli et iiij. agni.

Curia [&c.] die Lune in crastino Exaltacionis Sancte Crucis anno [&c.] xxxix^o.

Unus aries, iij. oves matrices, ij. agnelli, iij. porcelli.

Curia [&c.] die Mercurii proxima post festum Sancti Augustini, anno [&c.] xxxix^o.

Murina. In murina v. multones . . . iij. oves matrices. Item viij. hoggastri. Item xlvij. agni in murina.

Curia [&c.] die Jovis proxima post festum Purificacionis beate Marie Virginis, anno [&c.] xxxix^o.

Murina. In murinis j. stottus, ij. multones, lvij. hoggastri, et j. porcellus, iij. singni.

Curia [&c.] die Jovis proxima ante Dominicam in Ramis Palmarum, anno [&c.] xxxix^o.

Murina. In murina x multones . . . v. oves matrices . . . Item xlij. hoggastros. Item ij. singnos . . . Item j. porcellum etatis viij. septimanarum.

Curia [&c.] die Mercurii proxima post festum Omnium Sanctorum, anno xxxix^o.

Murina. iij. vituli . . . 1 aper, 1 porcus . . . Item iij. multones, iij. cigni. Item ij. hoggastri ante tonsionem.

Curia [&c.] in Vigilia Epiphanie, anno [&c.] xxxix^o.

Murina. In murina j. ovis ante agnelacionem, i. hurtardus, viij. hogastri, vij. porcelli, ij. cigni.

Curia [&c.] die Sabati proxima post festum Sancti Valentini, anno [&c.] xliij^o.

Morina. Jurati presentant quod ij. cigni errarii et unus signottus sunt in morina de communi morina in hac parte et non per alicujus defectum. Et quod j. juvencula, v. porcelli, ij. oves matrices, iij. hoggastri, et j. multo, iij. rusce apium moriebantur casualiter et non per alicujus defectum.

Curia [&c.] die Veneris in Septimana Pasche, anno [&c.] xliij^o.

Morina. Jurati presentant quod j. juvenca, ij. juvencule, j. multo, lvj. oves matrices, xlij. hoggastri sunt in morina et non per defectum [&c.].

Curia [&c.] die Sabati proxima post festum Corporis Christi, anno xliij^o.

Morina. Item presentant quod xvj. multones, vj. oves matrices, ij. hoggastri, ciiij^{xxv}. agni ante signacionem, iiij. agni post signacionem, et ij. vituli sunt in morina & non per defectum, &c.

Curia die Sabati proxima post festum Purificationis beate Marie Virginis, anno [&c.] xlv^o.

Morina. Jurati presentant quod j. vitulus, j. multo, ij. oves matrices, ij. hoggastri, et j. porcellus . . . sunt in morina, et quod apes, quatuor rusce sunt in morina, et non ob defectum custodie.

Curia [&c.] die Jovis proxima ante festum Sancti Nicholai Episcopi, anno [&c.] xlv^o.

Morina. Jurati presentant quod j. hurtardus, ij. oves matrices, j. hoggastri, j. boviculus, & vj. rusce apium sunt in morina et non per defectum custodie.

Curia [&c.] die Lune proxima post festum Purificacionis beate Marie Virginis, anno [&c.] xlvj^o.

Morina. Testatum est per ballivos prepositum et cadaveratores, quod j. aper, ij. porcelli, ij. oves matrices et ij. hoggastri sunt in morina, &c.

Curia [&c.] die Lune proxima post festum Sancti Wynnewaloci Abbatis, anno [&c.] Ricardi primo.

Morina. Totum homagium cum cadaveratoribus presentant quod vij. ante tonsionem multones moriebantur mense Januarii, v. oves matrices ante fenacionem et tonsionem eodem mense, j. hurtardus, xiiij. hoggastri, j. boviculus mas, ij. porci, vj. porcelli, j. signus . . . moriebantur casualiter et non ob defectum alicujus custodie. Item in morina j. rusker apium.

Curia [&c.] die Lune in crastino Sancti Jacobi Apostoli, anno [&c.] octavo.

Morina. Item eliguntur Johannes Baronne et Galfridus Kaye in officia cadaveratorum et jurati sunt. Et presentant quod j. multo ante tonsionem, j. hurtardus ante tonsionem, ij. hoggastri ante

tonsionem, xv. agni post tempus signacionis, j. signus, moriebantur casualiter et non per defectum custodie.

Curia [&c.] die Lune proxima post festum Sancte Lucie Virginis anno [&c.] Ricardi undecimo.

Morina. Cadaveratores presentant quod unus hurtardus, iij. multones, x. oves matrices, xij. hoggastri, una juvenca, ij. boviculi, moriebantur casualiter et non per defectum custodie.

Curia [&c.] die Jovis proxima post festum Sancti Gregorii Pape anno [&c.] xj^o.

Morina. Cadaveratores presentant quod xxxv. oves matrices post fenacionem et ante tonsionem, et lviij. hoggastri, c agni ante tempus signacionis moriebantur casualiter et non per defectum custodie. Item j. equus, j. boviculus, ij. porcelli, ij. pavones, j. pava, moriebantur ut supra.

Curia [&c.] die Mercurii in festo Sancte Marie Magdalene, anno [&c.] xj^o.

Morina. Item quod iiij. multones, xiiij. oves matrices, ij. agni, moriebantur casualiter, et non per defectum custodie.

Curia [&c.] die Dominica in Crastino Exaltacionis Sancte Crucis anno [&c.] xj^o.

Morina. Cadaveratores presentant quod ij. vituli, j. sus, iiij. porcelli, iij. multones, iiij. oves matrices, xj. agni post tempus signacionis moriebantur casualiter et non per defectum custodie.

Curia [&c.] die Veneris in Crastino Exaltacionis [&c.] anno xv^o.

Morina. Cadaveratores presentant quod ij. porcelli, j. juvenca, unde cadaver vendebatur pro iiij.s., moriebantur casualiter et non per defectum custodie.

Curia [&c.] die Martis in crastino Nativitatis Sancti Johannis Baptiste anno [&c.] xxij^o.

Jurati presentant quod dominus habet in morina xxvj. hoggastros ante tonsionem, xij. oves post fenacionem et ante tonsionem, ij. hurtardos ante tonsionem, iiij. vitulos de exitu anni precedentis, j. stottum, iiij. porcellos, ij. rucas apium, j. pavam, iiij. agnos post signacionem, j. hoggastrum post tonsionem qui moriebantur casualiter et non ob defectum custodie.

Curia [&c.] die Dominica proxima post festum Exaltacionis [&c.] anno xxij^o.

Jurati ex officio curie presentant quod dominus habet in morina vj. multones, iiij. oves, iiij. agnos, j. sus, j. porcellum, j. pavam qui moriebantur casualiter et non ob defectum custodie.

Curia [&c.] die Jovis proxima post festum Sancti Gregorii Pape, anno [&c.] xxij^o.

Morina. Jurati presentant quod dominus habet in morina viij. multones, xxviij. oves matrices ante fenacionem et tonsionem, xxxj. hoggastros, xx. agnos de exitu hujus anni ante signacionem, iiij. porcellos, qui moriebantur casualiter et non ob defectum custodie.

Curia [&c.] die Jovis proxima post festum Edmundi Regis, anno [&c.] xxij^o.

Morina. Item presentant quod dominus habet in morina ii. multones ante tonsionem, iiij. oves matrices ante tonsionem, ij. hoggastros, j. porcellum qui moriebantur casualiter et non ob defectum custodie.

Curia [&c.] die Jovis proxima post festum Natali Domini anno regni regis Henrici IV. viij^o.

Morina. Cadaveratores presentant quod dominus habet in morina viij. porcos, ij. sues, iiij^{or} mul-

tones, unde ij. vendebantur pro xx.d., xj. hoggastros, ij. oves matrices unde cadaver unius vendebatur pro vjd. moriebantur casualiter et non ob defectum custodie.

Curia [&c.] die Martis in festo Invencionis Sancte Crucis, anno [&c.] Henrici IV. viij^o.

Morina. Cadaveratores presentant quod dominus habet in morina j. bove . . . j. juvencam, ij. boviculos, ij. juvenulas, j. porcum, iiij. porcellos, v. multones ante tonsionem, xix. oves ante fenacionem et tonsionem, xvij. hoggastros ante tonsionem qui moriebantur [&c.]

Curia [&c.] die Mercurii proxima post festum Sancti Jacobi Apostoli, anno [&c.] viij^o.

Morina. Cadaveratores [&c.] x. vaccas post vitulacionem, j. boviculum, iiij. vitulos post signacionem, j. juvenulam, j. ovem post tonsionem, iiij. agnos post signacionem unde cadaver unius vendebatur pro ij.d., j. porcum qui moriebantur [&c.]

Curia [&c.] die Jovis in Crastino Exaltacionis Sancte Crucis, anno [&c.] viij^o.

Morina. Cadaveratores presentant [&c.] iiij. vaccas post vitulacionem, ij. sues, j. multonem cujus cadaver vendebatur pro vjd. sine vellere, v. oves post fenacionem et tonsionem, j. cadaver vendebatur pro v.d. sine vellere, iiij. agnos post signacionem qui moriebantur [&c.]

Curia [&c.] die Jovis in crastino Sancti Andree Apostoli, anno [&c.] ix^o.

Morina. Cadaveratores [&c.] unam vaccam ante vitulacionem, j. sus, ij. porcellos, j. ovem ante fenacionem et tonsionem, j. hoggastrum qui moriebantur [&c.]

Curia [&c.] die Jovis proxima ante festum Ascencionis, anno [&c.] ix^o.

Morina. Cadaveratores [&c.] j. vaccam ante vitulacionem, j. aprem, iiij. sues, iiij. porcos, xxviij. porcellos, j. hurtardum, xij. multones ante tonsionem, xxviij. oves ante fenacionem et tonsionem, xvj. hoggastros ante tonsionem, qui moriebantur [&c.]

Curia [&c.] die Jovis in vigilia Sancti Laurentii Martini, anno [&c.] ix^o.

Morina. Cadaveratores presentant [&c.] j. equus, ij. vituli, iiij. hurtardi, ix. oves ante fenacionem et tonsionem, viij. hoggastrum, xj. agni post signacionem, j. sus, j. porcus, iiij. porcelli moriebantur [&c.]

Curia [&c.] die Jovis proxima ante festum Sancti Thome Apostoli, anno [&c.] xj^o.

Morina. Item presentant quod Thomas Blome et Willelmus Wyggenhale electi sunt in officia cadaveratorum hoc anno. Et jurati sunt ad faciendum dictum officium hoc anno. Cadaveratores presentant quod j. ovis matrix, j. hoggastrus, j. equus, ij. vituli super annati, iiij. porcelli, et ix. porculi sunt in morina casualiter [&c.]

There are no presentments for several courts before the following, which is the last :—

Curia [&c.] die Jovis proxima ante festum Sancti Edmundi Regis, anno regni regis Henrici IV. xiiij^o.

Cadaveratores presentant morina j. suem et iiij. porculos nullius defectu hominis [&c.]

II.—*The Authenticity of the Paston Letters.* By JOHN BRUCE, Esq., F.S.A.

Read November 30th, 1865.

THE doubts which have lately been thrown upon the authenticity of the Paston Letters form a peculiarly appropriate subject for the consideration of the Society of Antiquaries, not merely because historical and antiquarian literature would suffer a grievous loss if the reasonableness of those doubts could be established, but more especially because in the process of their establishment some blame must necessarily fall upon this Society, for having at the time of the original publication allowed itself almost to put the seal of the Society to the genuineness of these important papers.

At the request of our energetic and excellent Secretary, I am about to offer some remarks on this subject; but at the very threshold of my observations I beg to express the great respect which I entertain for the gentleman on whose objections I am about to comment. No one in this society could desire to treat otherwise than with the utmost courtesy, a son of a fellow, who in his own day was so highly esteemed among us as the late John Herman Merivale; nor is the present objector entitled to less consideration on his own account, as the author of historical and critical essays, and other literary productions, of the highest merit. I trust that, whilst commenting with the necessary freedom of historical inquiry, on the objections he has thrown out, I may be able to avoid any expressions which may be personally disagreeable to him.

The case we are about to investigate is not one in which a specific offence is openly charged against a particular individual, and endeavoured to be brought home to him by proper evidence. It would be far more easy to deal with, if that were so. It is simply a statement of a succession of suspicions which have arisen in the mind of an acute inquirer when considering the Paston Letters. Suspicions founded upon the conduct of the editor, suspicions suggested by the silence of this Society, suspicions prompted by the disappearance of the original documents, suspicions derived from the general character of the letters themselves, and from some supposed anachronisms in language and manners which have been thought to be detected in them. The end to which these suspicions point is the destruction of

the credit of these invaluable Letters, by producing a belief that they have been seriously tampered with—probably by the editor. I am of opinion that these suspicions have all been generated by the imperfect way in which the subject has been considered, and I shall endeavour to meet them by setting before you what I believe to be the actual facts.

Without entering into any detailed history of the family from which these Letters derive their name, it is necessary that we should fix in our minds the succession, and form some idea of the position in the world, of three or four of the leading members of the family during the fifteenth century. The Pastons were originally seated near a village of the same name, situate on that part of the coast of Norfolk which verges round from east to north. Paston lies somewhere about seven miles to the southward of Cromer, and not very far from midway between the little watering place of Mundesley, on the north, and Happisburgh, infamous for shipwrecks, on the south. In this bleak and secluded spot, the Pastons were fixed for several centuries; and there still remain traces of Paston Hall, their place of residence, with its adjoining offices and chapel; clear evidences of the social station and local importance of the family. At the commencement of the fifteenth century, William Paston, the head of the family, was a practising barrister, who kept the numerous manorial courts of the see of Norwich, and whose name frequently figures in the Year Books. In 1426 he was called to the degree of sergeant-at-law, and three years afterwards obtained a seat on the bench of the Court of Common Pleas, with some extra allowances, both of salary and robes, in token of the special favour of the advisers of the sovereign, King Henry VI. Sir William Paston—for he was knighted about the time of his appointment as judge—retained his offices and emoluments until his death, in 1444, at the age of 66. Finally, this honourable magistrate was interred in the Lady Chapel of Norwich Cathedral; obtained a place among the worthies of his native county, enumerated by Fuller; and filled a niche in another work of the same author, as the model and example of a good judge.

Sir William Paston left surviving a widow, Agnes, daughter and co-heir of Sir Edmund Barry, of Harlingbury Hall, in Therfield, Hertfordshire, and a family of four sons and one daughter, the eldest son being named John.

Among the latest actions of Sir William Paston were the introduction of his son John Paston, of the Inner Temple, to his own profession, and the marriage of the young lawyer to Margaret Mawteby, heiress of an old Norfolk family. Both the Judge's own wife, and the lady selected for his son, brought considerable additions of property to the Pastons; and we find them after the middle of the

fifteenth century possessed, in addition to Paston Hall, of residences at Mawteby and Oxnead, the latter an inland parish, about ten miles west of Paston, besides a town residence in the local capital Norwich.

John Paston, the son of the Judge, had neither the good fortune nor the length of days of his father. His practice in his profession was considerable; and he executed several important offices, among them that of acting executor to the celebrated Sir John Fastolf; but the times were dangerous; the house of York dispossessed that of Lancaster; John Paston fell under the suspicion of Edward IV.; his estates were sequestered; he himself was sent to the Fleet, and his death soon after followed, in the year 1466, and at the age of 46. The heiress of Mawteby survived him, with a family of six sons and two daughters. The eldest son, and also the second, were both named John. The former, distinguished as Sir John the Knight, recovered his father's estates, and was a gallant soldier in a turbulent period. He died in 1479, at the age of about 40, a bachelor, and was succeeded by his brother, John, the younger, or, as he was sometimes called, John of Geldeston, who carried the family history down to the close of the fifteenth century. John the younger married, in the lifetime of his brother, Margery, daughter of Sir Thomas Brews, a Norfolk knight, and their only surviving son became another Sir William Paston, and an eminent lawyer in the reign of Henry VIII.

It will be seen from this brief outline of the family history, which has been drawn from sources altogether independent of the letters now in question, that during the course of the fifteenth century, the succession of the family comprised Sir William Paston, the judge, and three successive Johns, a son and two grandsons of the judge, who all followed one another as heirs-at-law, inheriting the lands, and much of the other property of the family, on the deaths of their respective predecessors.

Of these three Johns, the second, it has been stated, was never married, and the wives of Sir William and the other two Johns, were named Agnes, Margaret and Margery.

Such was, in brief, the knowledge which inquirers possessed of the Pastons of the fifteenth century, until the year 1787. Their line of descent was easily traceable, their pedigree was filled with real names; but of the men and women Pastons, of their characters and feelings, their manners and way of life, of any thing in short, which could distinguish them from the multitudes of other names which figure in the useful tables of the genealogists, with the single and comparatively slight exception of the Judge, there could scarcely be said to exist a trace. In the year that I have last mentioned, there was given to the world by John Fenn, of East Dereham, a

Fellow of this Society, the first two volumes of the work which is now to be considered ;—a work which threw more light upon all these subjects, than had been done with respect to almost any other family in the kingdom, by any merely literary publication. In the plays of our great dramatist, some of the contemporaries and friends of the Pastons stand forth in their habits and manners as they lived, and are fixed in the popular mind with such mental and moral qualities as the poet chose to attribute to them, but in the publication now under consideration, the Pastons delineated themselves in a series of their own original letters, and allowed us, in the words of Mr. Charles Knight, to become intimate with all their domestic concerns, their wooings, their marriages, their household economics, their interests in public affairs, their intriguing at elections, their law-suits, and in one word, in all the ordinary relations of the life of English people in the fifteenth century. The general nature of these Letters, cannot be better described than it has been by Mr. Merivale. "It embraced," he observes, "all manner of subjects, precisely as the analogous remains of a worshipful family of the present day would do," . . . with the addition of "public documents of considerable and varied interest."

The Editor of this publication was slow to learn the value of the book he was about to give to the world. He thought it necessary to set off his volumes with coloured pictorial illustrations derived from other sources, secured for it the advantage of dedication to His Majesty George III., "the avowed patron" of the antiquities of these kingdoms; and by way of excuse for the price of his book, assured his readers that if he could but be paid by its sale "for his trouble and expenses attending the publication, he should be satisfied." (Pref. p. xxiv.)

Imperfectly as I think the Editor was, in the first instance, acquainted with the value of his papers, I cannot allow that he was at all negligent in the performance, according to his own ideas, of many of his duties as Editor. Among the first of these, he felt bound to satisfy his readers of the authenticity of the letters laid before them. What he did with that view is to be found—

1. In certain statements in his preface;
2. In an accompanying pedigree; and
3. In various engraved copper-plates.

"These Letters," he says in the preface, "were most of them written by or to particular persons of the family of Paston in Norfolk [adding in a note "For an account of this family the reader is referred to the Pedigree,"] (who lived in the reigns of Henry VI., Edward IV., and Richard III.), were carefully preserved in that family for several descents, and were finally in the possession of the Earl of

Yarmouth; they then became the property of that great collector and antiquary, Peter Le Neve, Esquire, Norroy; from him they devolved to Mr. Martin by his marriage with Mrs. Le Neve, and were a part of his collections purchased by Mr. Worth, from whom in 1774 they came to the Editor." (Pref. p. xix.) In notes to this passage the Editor explained who and what Peter Le Neve and Mr. Martin were—information not necessary to be repeated in this Society, where the memory of the first President of the Society of Antiquaries on its revival in the eighteenth century, and of Honest Tom Martin of Palgrave, will ever be held in esteem. The Editor added also some particulars respecting Worth, who was an apothecary at Diss, and who purchased the bulk of Martin's Collections at £630, as a mere money speculation, which it may be remarked seems to have been extremely successful.

From the pedigree before alluded to, which is a history in little of the main descent of the Pastons from the commencement of the fifteenth century downwards, with such collateral branches as are mentioned in the Letters, it appears that Clement Paston, a grandson of the third John, built a magnificent mansion at Oxnead, which thenceforward became the principal seat of the family; that a third Sir William Paston, the sixth in descent from the last of the three Johns, was created a baronet in 1641. He was "an antiquary and collector," and was the father of Sir Robert Paston, who was created a baron in 1673, and Earl of Yarmouth in 1679. As the principal importance of the family was derived from a William Paston, so it departed with another of the same name. William, the second Earl of Yarmouth, according to the pedigree, encumbered his inheritance, and, having survived all his male issue, died in 1732, when his titles became extinct, and his estates were left to be sold for payment of his debts.

Mr. Merivale states that "which of" the Earls of Yarmouth "parted with the papers, does not appear" (p. 130). The facts I have read from the pedigree leave, one would think, but little doubt; and our commonest books of reference make the fact abundantly clear. The first earl was the gentleman immortalized by Clarendon, for having astounded the House of Commons in 1665, by moving a grant of the then unparalleled amount of two millions and a half to carry on the war against the Dutch. (Life, p. 1121, Ed. 1843.) This act of devotion to the royal service ultimately procured Sir Robert his earldom. We are told that he was a person of good learning, and that he travelled into many foreign lands, and collected many considerable rarities and curiosities.^a Under the second earl, the lavish heir of his accomplished father, the ruin of the family was speedy and total.

^a Banks, *Dormant Baronage*, iii, 786.

His marriage with Lady Charlotte Boyle, *alias* Fitzroy, a natural daughter of Charles II., by Elizabeth, Viscountess Shannon, and his reception of his royal father-in-law, and James, Duke of York, as his guests at Oxnead, hurried him into pecuniary difficulties which ultimately reduced him even to accept a pension of £200 a year from the Crown. His library was sold by auction in London in the year 1734.^a Oxnead Hall was allowed to fall into decay; ultimately it was pulled down and the materials disposed of. As late as 1750, his estates, which once before had been sold for £87,000, were, at the instance of his creditors, put up again, under an order of the Court of Chancery, and were finally disposed of for £92,700 to Lord Anson, the circumnavigator.^b

Any want of completeness in the statements of the Editor with reference to the ruin of the Pastons, instead of being a circumstance of suspicion, may fairly be regarded as a mere indication of provincialism. Norfolk had rung from side to side with the downfall of this ancient family. The slightest allusion to an incident in the history of the county so portentous and so widely ruinous, would, to a Norfolk man, be sufficient to renew the memory of so great a sorrow, and it would have been difficult to persuade him that the wreck of the Earl of Yarmouth was, after all, an event of mere local importance, or that it could ever become so obsolete that only a Society of Antiquaries would feel a passing interest in it.

Mr. Merivale points out also that in what way the papers "came" from Mr. Worth to the Editor, whether by purchase or otherwise, is not further explained. Mr. Merivale is quite right, but it is difficult to suppose that Worth, who bought these and the rest of Martin's collections to sell again, would have parted with them otherwise than upon a pecuniary payment. The amount may have been small, for the value of the papers was then totally unknown. I know not that anything turns upon this point, but it is perhaps worth being stated that in 1780, seven years before the first publication of the Paston Letters, the Editor communicated to this Society two papers which were subsequently published in the first volume of the Paston Letters, and that on that occasion the Secretary of this Society entered on the minutes a brief history of these Paston Papers, no doubt derived from the information of Mr. Fenn. It entirely agrees with what has been before stated, except that he alleges distinctly in his minute, that Mr. Fenn "purchased" them from Mr. Worth.^c

Mr. Merivale sums up the history of the descent of these letters thus: "It must certainly be at once admitted that a more meagre and unsatisfactory account of the pedigree of papers, of which the authenticity is matter of question,

^a Nichols's Lit. Anecd. iii. 616.

^b Gent. Mag. June 1750, p. 282.

^c Soc. Antiq. Minutes, vol. xxii. p. 183.

can hardly be imagined. No legal claim, for instance, could possibly be rested on documents which had passed through so many hands, and been subject to the chance of so many tamperings." The answer is, what Mr. Merivale himself goes on to state, that the Editor "tells his story in a simple undoubting manner." The Editor evidently never imagined either that the authenticity of the papers would be called in question, or that any one would dream of the possibility of objecting to them, because a legal claim could not be rested upon them. In that respect, the Paston Letters are exactly like all our other historical manuscripts—like those in the British Museum and in the Bodleian, and like the State Papers in the Public Record Office. No legal claim can be rested upon any of them. But it is entirely a new doctrine that it is a circumstance of suspicion, a cause of complaint against an Editor of such papers, that he does not give such a history of his papers as would establish a legal claim. The account given by this Editor, although it wants the fullness and precision of an abstract of title, is, I would submit, a sufficient statement to satisfy all the ordinary requirements of one who desires to use these papers for historical purposes, which it seems to me is all that an editor of such papers is bound to give.

After deducing the history of his papers, the editor proceeds to a most minute account of what may be termed their paleographical peculiarities; "all which," remarks Mr. Merivale, "I pretermitt as unimportant; for the fictions, if such they are, probably rest on the basis of a certain number of really original papers." (p. 131.) I cannot agree with Mr. Merivale as to the propriety of the course which he has here adopted. The case which is under consideration "rests," says Mr. Merivale, in another place, "there is no use in disguising it, on a charge of literary mystification, and that apparently against Sir John Fenn." (p. 135.) "The idea of mere wholesale forgery," he remarks in another place, "is evidently improbable; but that large additions were made by some fabricator to existing originals—additions calculated to render them much more interesting and attractive . . . is a far more credible supposition." (p. 148.) Sir John Fenn is, therefore, now before us on suspicion of having largely and most dishonestly tampered with his papers. The question is, Did he act with editorial *bona fides* or did he not? Surely, in order to answer that question you must take into consideration the whole of his conduct. You must not—more especially in the case of a gentleman whose character up to the day of the publication of Mr. Merivale's paper was altogether unimpeached, and I believe unimpeachable—dwell merely upon some parts of what he did or said—a few of his statements—in which some little presumed want of completeness may be detected or imagined. You must not accept these trifling flaws (if

they be so) as badges of fraud, and throw aside the remainder of his statements as unimportant. You must, in fairness, consider whether he gave such information respecting these papers as he could give, and such as the world had a right to expect from him; and if he did so—if you can come to the conclusion that he designed to tell all he knew—you ought not hastily to suspect from any failure (if there be any such—I know of none) that he was after all a mere cunning fabricator. Let us for a moment suppose that he had omitted to give a full account of the peculiarities of his papers; what an argument against him might have been founded on such an omission. Surely, if the want of such information would have been prejudicial to him, his memory is entitled to whatever benefit may be drawn from a fair consideration of all the information he actually gave.

I shall state what that information was, as briefly as possible:—

He first described the general character of the paper on which these Letters were written, and next “the paper-marks,” with respect to which I believe I may say that he was the first English antiquary who gave representations of these marks, and applied them as a test of antiquity. Our late Fellow, Mr. Joseph Hunter, by no means a man of an uncritical spirit, in his paper on these marks, printed in the 37th Volume of the *Archæologia*, treated the representations of these marks given in the Paston Letters as undoubtedly genuine. The Editor next explained the several sizes of the sheets of paper on which the letters were written, and of the particular pieces of paper used by the letter-writers, for our ancestors were compelled, by a scarcity of the required material, to be a paper-sparing race; and as the editor remarked, “The portion used of a sheet of paper was no more than was required to contain the writing,” the paper being always cut off from the sheet at the end of the letter. He then explained the way in which these letters had been folded up and fastened, the characters of the seals, the insignia they bore, and the contrivances by which the seals were preserved. From these particulars he proceeded to the character of the handwriting, the deciphering of which he admitted had been attended with much trouble and difficulty. He afterwards described the ink, and the effects upon it which had been produced by damp. He then set forth the method which had been pursued in transcribing the papers for the press, and the reasons why he had given two copies of every paper,—one printed with all the contractions and in the spelling of the originals; the other, on the opposite page, in words at length and in modern orthography. To render all this information more intelligible, he added, at the end of the second volume, 14 engraved plates, containing fac-similes of 76 of the signatures to the letters, with representations of 45 of the paper marks, and 28 of the seals; and he appended to every letter a statement of

its size, in inches, a description of the water-mark, and a reference to the plate in his book in which this latter was engraved.

Finally, that all this extraordinary, and, to me, most convincing, editorial particularity might be tested by the ocular observation of the very best living judges in such matters, the editor presented a copy of his publication to this Society, accompanied by a letter addressed to the Earl of Leicester, the President, in a postscript to which he wrote as follows :—" If it be agreeable to the Society, the original letters shall be left for one month in their library, for the inspection of such gentlemen whose curiosity may be excited to examine them." This letter was fortunately inserted in the copy of the book in our library, where it still remains.

The letter was dated "Jan. 1787." On the 1st February in that same year the Society "expressed their satisfaction in having the originals deposited in their library," for the purpose mentioned in the letter of their "worthy member," and on the 23rd March, 1787, in an advertisement, printed in a new edition of his publication, the editor stated :—

"It may not be improper just to mention that the original manuscript letters were, immediately after the publication of the first edition, deposited for some time in the library of the Society of Antiquaries, for the general inspection and examination of the members of that and of the Royal Society."

The truth of this statement will be found hereafter to be corroborated in a singular manner.

It seems scarcely possible for a painstaking, conscientious editor to have done more; or for any one, after reading what I have stated, to doubt the fact of the temporary deposit of the originals in our library. I will not dwell on Mr. Merivale's suspicions upon this subject, partly because his paper was written before much of the evidence I have just stated was brought to light; and partly also because I think he was a little misled by not finding a notice of the fact of the deposit in the *Archæologia*. The *Archæologia* has never been deemed a proper place for such notices, but it is a great pity that such an incident as this temporary deposit was not recorded in our Minutes. What has ensued is an instruction and a warning to us, and we shall owe thanks to Mr. Merivale if henceforth our practice in this respect be amended.

In my own opinion, the fact of this deposit once established, is almost conclusive upon the whole case. The transaction took place in the days of Astle,

Gough, Caley, and many other eminent antiquarian contemporaries, men who could not have been deceived by pretended originals, and who would instantly have discovered any possible interpolation. To court the inspection of these men was a test which a dishonest editor would never have been mad enough to propose;—a test which, taken in connection with all the other evidences furnished by this gentleman of obvious anxiety to give inquirers every possible satisfaction, ought to outweigh a multitude of suspicions.

The success of the publication far outstripped the expectations of the editor. A second edition of vols. i. and ii. was called for immediately. Mr. Merivale suspects "this so-called second edition." Mr. Gairdner, in his admirable paper in reply to Mr. Merivale—a paper which almost renders what I am doing unnecessary—certifies, upon comparison, that the second edition was an actual re-impression; and I beg to add to what he has stated, that the first volume of this second edition contains 56 corrections of the text of various kinds, principally derived from suggestions of Mr. Dalton, which are treated of in a separate paper by Mr. Almack; that the second volume contains other 29 similar corrections,* and that there are also introduced into the second edition two new plates numbered 15 and 16, and containing four fresh fac-similes of letters and parts of letters.

In further evidence of the willingness of the editor to give all possible information, I am enabled, by the kindness of my friend W. J. Thoms, Esq., F.S.A., to exhibit a fac-simile of one of the original Letters, which the editor allowed to be engraved and published in the "European Magazine" for April, 1787. The letter itself is printed in vol. ii. of the Paston Letters at p. 257; and being one of the most interesting of the domestic portion of the series, attracted a great deal of attention at the time of publication. It is a simple, natural communication from a young wife in Norfolk, M. P. [Margery Paston], to her husband, the third John Paston, in London, and details in a homely manner various wants and anxieties, which occurred to the writer during the progress of her first pregnancy.

The editor was thirteen years in producing his first and second volumes. Stimulated by public approbation, at the end of two years he published Vols. iii. and iv., edited in the same careful manner as before, and illustrated by 12 new plates, containing 71 fresh autographs, 33 additional paper marks, and 16 additional seals. His occupations as High Sheriff of Norfolk, in 1791, drew him away from literature for a considerable time; but at his death, in 1794, he left another

* A list of these corrections is ordinarily found at the end of vol. ii. of the first edition.

volume presumed to be ready for the printer, which was ultimately seen through the press by the late Mr. Serjeant Frere, and published in the year 1823. This volume also has an additional array of 40 fac-similes of autographs, 21 paper marks, and 11 seals.

The five volumes contain in the whole 488 letters and papers, of which there were written—

| | Papers. |
|--|---------|
| By various members of the Paston family, principally by the three successive John Pastons, and by Margaret Paston, the widow of the first John Paston | 214 |
| By other persons, but all addressed to members of the Paston family, principally to the three John Pastons and Margaret Paston | 203 |
| These amount to | 417 |

and the figures show how really and almost entirely these letters constitute the correspondence of the Paston family.

Of the remaining 71, many relate to the affairs of Sir John Fastolf and his estate, and the remainder are copies or original papers bearing upon public affairs.

The temporary deposit of the original Letters contained in vols. i. and ii. in the library of this Society, drew after it consequences of some importance to the editor. "During their continuance in that repository" as we are told in the preface to vol. iii. "it was intimated to the editor that the King had an inclination to inspect and examine them; they were immediately sent to the Queen's Palace, with an humble request from the editor, that if they should be thought worthy of a place in the royal collection, His Majesty would be pleased to accept them; to this request a most gracious answer was returned, and they are now [this preface was dated 23rd April, 1789] in the Royal Library."

If this be not one of the most impudent falsehoods that ever was published, we must accept it as a recognition of the fact of the deposit and inspection of the Papers in the library of this Society. If nothing of the kind took place, or if the Society thought otherwise than favourably of them, we must allow that our forefathers of this Society shut their eyes to the frauds of Mr. Fenn, and allowed him to impose upon the Sovereign, from whom they had so recently derived our peculiar privileges—a supposition which is tantamount to a *reductio ad absurdum*.

The "most gracious answer" which Mr. Fenn received was probably to the effect that if Mr. Fenn attended the Levee and presented his Letters, His Majesty would accept them, and confer upon him the honour of knighthood. At any event he attended, presented his letters, and was knighted on the 23rd May, 1787. His knighthood is registered in the London Gazette, and the following fuller account of what took place is given in the Morning Chronicle, of the 24th May, and in the London Chronicle, from the 22nd to the 27th, under the date of the 24th.

"Yesterday John Fenn, Esq., attended the levee at St. James's, and had the honour of presenting to his Majesty (bound in three volumes) the Original Letters, of which he had before presented a printed copy; when his Majesty, as a mark of gracious acceptance, was pleased to confer on him the honour of knighthood."

In partial corroboration of this transaction, it may be added, that there still exists in the library of King George III., now in the British Museum, the printed copy of the Paston Letters, which is here stated to have been "before presented," but the originals, although publicly presented to the King, never seem to have found their way into the Royal Library. What has become of them is at the present time altogether unknown. More than forty years ago I visited the Royal Library in old Buckingham Palace, in company with my friend Mr. Amyot, formerly treasurer of this Society. He introduced me there to Mr. Carlisle, the Secretary of this Society and the Royal Librarian. We found him sitting surrounded by that noble collection of books, in the fine octagon room in which the celebrated interview took place between George III. and Dr. Johnson. We had a pleasant gossip respecting the contents of the library, in the course of which Mr. Amyot remarked, "You have never found the Paston Letters." "No," replied Mr. Carlisle, "They never came into the library." Mr. Amyot added, that he had understood that they were last seen in the hands of Queen Charlotte, to which Mr. Carlisle assented, emphatically repeating that they were never in the library. The same account is, I believe, current in other quarters, and it has been thought that Queen Charlotte lent the MSS. to one of her ladies in attendance. If so, they may still turn up in some private library, or in some storehouse connected with the office of the Lord Chamberlain or with one of the Royal palaces.

All the other originals were for a long time equally unfortunate. When Serjeant Frere edited the fifth volume of the Letters, he announced that it had been printed from transcripts almost entirely in the hand-writing of Mr. Dalton, a well known and very highly respected solicitor, at Bury St. Edmund's. "The

originals of the fifth volume, the Serjeant remarked, "I have not been able to find. Some originals I have which appear not to have been intended by Sir John Fenn for publication. The originals of the former volumes were presented to the late King, and were deposited in his Majesty's library." The last words are evidently derived from Sir John Fenn's statement before quoted. They mean, I take it, no more than this, that he offered the Letters as a gift to the Royal Library; that his offer was accepted; and that he had committed the Letters to his Majesty's custody, which he took to be tantamount to depositing them in the Royal Library. Unfortunately they missed their way, and Sir John was mistaken. It will be a satisfactory result of Mr. Merivale's paper, if the officers of the Royal household are stimulated by the discussion it has excited to make a thorough search in all possible places of deposit.

That the Letters given to George III. comprised only the originals published in the first and second volumes, I take to be quite clear, notwithstanding the contrary opinion of Mr. Serjeant Frere. It is extremely unlikely that Sir John Fenn should have given away, in 1787, the originals of papers which he did not publish until 1789. He had had too much experience in editing, not to know how frequently an editor needs again and again to look at his manuscript whilst his papers are passing through the press. Added to which, it is evident from some of Mr. Dalton's notes upon the second and third volumes, to be laid before the Society by Mr. Almack, that originals of those two volumes were in the hands of Mr. Dalton and Sir John Fenn in 1788.

The disappearance of all the originals was certainly a very singular circumstance. It might well excite considerable amazement, and if it could be connected with Sir John Fenn, might justify some misgivings. But I cannot at all agree with Mr. Merivale in the doctrine which he lays down in reference to it. "It is impossible," is his *dictum*, "to avoid thus much of accusation; whatever amount of suspicion is deducible from the most untoward 'disappearance' of the alleged originals, rests on Sir John, and on him alone." Is Sir John to be suspected because the officers of the Royal Household were careless or ignorant, or because a lady to whom the volumes were lent never returned them, or because Serjeant Frere overlooked the originals of vol. v., and may have done the same by those of vols. iii. and iv.? Show that Sir John Fenn did something, or omitted to do something, which occasioned the disappearance of any of the volumes, and then you may begin to suspect him; but there can be nothing in the loss of the originals of vols. i. and ii.—if they be lost—which entitles any one to throw the blame of an incident so rightly termed untoward upon him. Since the publica-

tion of Mr. Merivale's paper the discovery of the originals of vol. v. goes far to remove from Sir John all shadow of doubt.

And this brings me to the great event of this evening—the exhibition upon our table of the originals of vol. v. It turns out that Serjeant Frere was mistaken. Inclosed in a little paper case, which, somehow or other, Mr. Serjeant overlooked, there were in his possession these 112 papers, all arranged in perfect order, preserved with the greatest care, and marked by Sir John Fenn with neat pencil memoranda. They were found in a box of Sir John Fenn's, and with them the other papers which Serjeant Frere mentions as not appearing to have been intended for publication. These latter are probably 270 in number, and are all preserved in the same careful manner as the others, inclosed, bundle by bundle, in sheets of paper, which are indorsed with memoranda of their contents, and notes by Sir John Fenn of the times when he went through them, and took out from each bundle, two from one and three from another, such as suited the volume of his publication that he had then in hand.

During the little time that these originals have been in London, I have collated several of them with the printed book, and I am able to vouch for the general accuracy, in the instances which I have examined, of the copies printed from the transcripts made by Mr. Dalton.

As to the genuineness of the papers themselves, I will not assume to speak with anything like authority upon such a subject. But I state it unhesitatingly, as my own individual opinion, that they are unquestionable documents of the period to which they profess to belong. If I may take the liberty of doing so, I would suggest that, if Mr. Philip Frere, who is now the owner of these papers, and kindly exhibits them this evening, will permit them to remain in our Library for a little while for inspection, the Society might appoint a Committee of the persons amongst us who are most competent, to examine the whole of them, with power to invite the attention to the MSS. of all persons interested in the subject; and to prepare such a report as may be entered upon our minutes or be dealt with in any other way which the Society may deem right.

As to any interpolation or garbling of these papers, as suspected by Mr. Merivale; so far as I have observed, there is nothing of the kind. A frequent indorsement of the contents is all the addition that I have seen, that has been made to any of them (except Sir John Fenn's pencil notes before-mentioned), and the chief indorsements are in a modern hand, without any affectation of disguise. The hand is probably that of Sir John Fenn, but I am not quite certain that it is so.

Most of the arguments levelled against Sir John Fenn's publication, even

against the volumes the originals of which have not yet turned up, will be found to be refuted by the production of these papers, if the general opinion be, as I expect it will be, that they are genuine. For it must be borne in mind, that the Letters before us are not a continuation in point of date of the correspondence contained in the former volumes, but a separate selected portion of the same correspondence. It would seem, from what I have observed of the way of keeping these papers, and from Sir John Fenn's notes upon them, that his mode of selecting his MSS. for publication was the following:—The whole correspondence, extending from Henry VI. to Henry VII., or later, was first arranged in chronological order, and then divided into separate bundles. When Sir John desired to make his selections for publication, he visited each bundle in succession, and took out from it one, two, or three papers for every year, or other period of his intended course. In the first instance, he selected what he esteemed the most important historical letters, extending from Henry VI. to Richard III., and published them in vols. i. and ii. His next draught consisted probably of what he thought the most interesting of those which remained. This supplied vols. iii. and iv.; and another draught of 112 letters, running through the whole period, and selected as before, concluded his work with vol. v. Two things followed from this mode of selection:—1. That the volumes contained more and more private letters the further they advanced. This was not exactly to the taste of Sir John Fenn, who preferred the historical to the private letters, and brought in some historical letters from other sources; but it was quite in accordance with the opinion of his readers, most of whom gave the preference to the private letters. From the glance that I have had at the residue of the papers now left unpublished, they seem to me to consist almost entirely of private letters. 2. Another result is that there are letters upon the same subject in each of the published portions. For example, the marriage of Margery Brews to John Paston—a very interesting topic of correspondence—is treated of in vols. iii. and iv. and also in vol. v. Supposing the letters in vol. v. to be genuine, surely the previous letters on the same subject, which are full of coincidences and connections in story, phrase, and character, and supply necessary links and clues which bind the whole together, can scarcely be supposed to be a mere fabrication. By such means I make no doubt that the whole of these separate publications may be shown to form one genuine and connected correspondence, although it has been split up into fragments, in the way which I have described.

Again, many of Mr. Merivale's suspicions are effectually negatived by this production. He dwelt with considerable emphasis upon the editor having omitted

at first to announce to his readers that he had other papers in his custody besides those contained in vol. ii. I think it really did appear in his preface to vol. i., that he had others, although perhaps imperfectly; but if Mr. Merivale be right, what follows? Was the editor's silence a mark of fraud, or an instance of mistake, or of forgetfulness of his editorial duty? It matters not—whether he stated the fact or not—the letters on the table prove that he had other letters in his possession.

Mr. Merivale thought it improbable that such a correspondence should have been carried on in an age commonly called illiterate. It is unnecessary to enter into the argument, or to refer to the Plumptre Correspondence, and to similar letters in the *Excerpta Historica*, in the old editions of Collins's *Peerage*, and elsewhere. On the table, we have the very correspondence itself.

Even if such a correspondence could have been carried on at the time alluded to, Mr. Merivale thought it unlikely to have been preserved. The course of the family succession very well accounts for the preservation, but here it is actually preserved and existing before us.

Mr. Merivale objects that in the Paston Letters there is a suspicious deficiency of special information, and a servile adherence to authorities. On this point Mr. Gairdner has published some excellent remarks, and I am quite prepared to show that Mr. Merivale is mistaken. The letters abound in that very description of special information which, if they are genuine, it was to be expected they would contain. Statements and allusions occur with reference to a multitude of subjects—especially to subjects of local interest—as, for example, to affairs of the county of Norfolk, and proceedings of the Corporation of Yarmouth, which offer innumerable tests of accuracy. I intended to have troubled you on this point at considerable length, but the production of the letters is a sufficient reply.

Equally convincing is the result of this exhibition on Mr. Merivale's comment on the ease and fluency with which the Pastons wrote. He is surprised at the modern air of their style and phraseology, at the absence of legal and State Paper tautology, and occasionally at the appearance of words very like those used in the conversational English of the present day. The tautology alluded to will be found in all legal and formal papers, whether in the Paston Letters, or elsewhere; but with respect to private papers of that period, those who are intimately acquainted with them are continually startled to meet with bold, manly expressions, couched in simple English which might have been written or spoken yesterday. Of this class, is one of the phrases which struck Mr. Merivale—"I am excusable both to God and you!" He could not recognise in those emphatic words the ring of the fifteenth century; yet

there the words stand in one of the papers open before you. Again, the word dreadful used in a jocular sense,—“the dreadful man, James Ratcliff, your verderer,”—occurs in the MS. before us, exactly as it is printed. The truth is, that our forefathers of those days were simple, manly Englishmen, and cast our native tongue into a form, the rough edges of which we have somewhat smoothed, but which we have never been able, substantially, to improve. When we read their papers, we feel that we can claim them as our ancestors, not merely by the ties of a common lineage, but by those also of a common speech.

If the originals of the other volumes of Sir John Fenn turn up—and when I observe the care with which Sir John preserved those of vol. v, and remember his honourable character and his punctilious accuracy and propriety in all the relations of life, I have great hope that, with Mr. Frere's assistance, we shall at any event have those of vols. iv. and v. before us on this table—I say that when that day comes I have no doubt that Mr. Merivale will find the whole of the words and passages he has quoted (except perhaps in one case, in which I suspect a little typographical blunder) to have been printed with exactness; and unless that day should come with speed, Mr. Gairdner and others will, in the mean time, have paralleled them all from other writings of the period. I could add something to what has been written already, but I forbear.

Of the three suspected anachronisms in manners adduced by Mr. Merivale, those relating to the Prior's request for a bill of exchange, and the allusions to the school and college experiences of Walter and William Paston, have been sufficiently answered by others. I will close my remarks, many of which have necessarily been written very hurriedly, with a few words on the allusion to playing cards. Mr. Merivale thinks their use was as yet uncommon in 1484. The following extracts seem to prove the contrary:—

It appears on the Rolls of Parliament that, in 1461, Edward IV. gave a legislative assent to certain articles; and among them occurred the following:—

“That no Lord or other person of lower estate, condition or degree, whatsoever he be, suffer any dicing or playing at the cards, within his house, or elsewhere where he may let it, of any of his servants or other, out of the twelve days of Christmas; and if any presume to do the contrary at any time, that he avoid him out of his house and service;” and that none other Lord, nor other person, receive or accept to his service any person so avoided, without the written assent of the first master.*

In 1464, the same king passed an act, whereby “playing cards” are enumerated among other “wares ready wrought,” as being prohibited to be brought into the

* Rot. Parl. v. 488.

realm. This was probably a measure of protection to persons who had introduced the making of cards into England.^a

In a bundle of petitions, which range from 1472 to 1475, there is one in which it is stated that:—Lords, knights, squires, gentlemen, yeomen, and other commoners, had used the occupation of shooting for their mirths and sports, with bows of ewe, which were brought into the kingdom, but now there was great scarcity of such bows brought in; and such as were brought in were “set to outrageous price,” *i.e.*, 100s. a hundred, “one with another,” the price having formerly been 40s. an C. for the best, and those fit for children’s bows were 10s. or 13s. 4d. a C. “at the most;” and then the bowyers sold bows from 8d. to 1s., which are now from 5s. to 10s., whereby the occupation of shooting is almost left; and “yeomen, in default of such bows, now use unlawful occupations, as playing at the cards, dice-playing, and other unlawful games forbidden by the laws, and to the great hurt, shame, and reproof of this noble realm.”^b

These passages will, I hope, exclude the mention of “cards” as the amusement of a manor house, from among Mr. Merivale’s suspected anachronisms.

No one would be more pleased than myself to find that the consideration of the original papers now exhibited, induced Mr. Merivale to do justice to the character of Sir John Fenn, and again to accept the Paston Letters, for what Mr. Hallam terms them, his “faithful guide,” through the dark period to which they relate. In that character they have hitherto been accepted; and such I believe they will remain to all inquirers, I trust, without a single exception.

^a Stat. 3 Edward IV. c. 4. Auth. Ed. ii. 397.

^b Rot. Parl. vi., 156.

III.—*Remarks on the Authenticity of the Paston Letters*, by RICHARD ALMACK,
Esq., F.S.A. : in a letter to C. KNIGHT WATSON, Esq., M.A., Secretary.

Read November 30th, 1865.

16th November, 1865.

MY DEAR SIR,—

THE authenticity of the Paston Letters having been seriously impugned, it is a duty to give any explanation on so important a question. I would, therefore, beg to state some circumstances which happen to be particularly within my own knowledge.

On the 23rd May, 1860, Sir Walter C. Trevelyan, Bart., drew my attention to a discussion lately raised upon this subject in *Notes and Queries*. I reminded him that we were then within a few miles of Mr. William Dalton, at Bury St. Edmund's, who copied most of the originals for publication, and discussed with Sir John Fenn the reading of many difficult words and their meaning; notes of which discussion he still had in his possession. Sir Walter, on my introduction, called on Mr. Dalton, who was then in his ninety-fourth year, but his mind and memory were, to the day of his death, unimpaired. On the 2nd of the following October, Mr. Dalton died. In *Notes and Queries* for November 3rd following, Sir Walter Trevelyan reminded the literary public that he was the gentleman who had transcribed for the press the Paston Letters "from the originals," and gave a short account of his interview with Mr. Dalton, who had shown him several sheets of notes, which suggested to the Editor various corrections and observations.

On the death of Mr. Dalton I found, what was unknown to me, that he had, seventeen years before, appointed me trustee under his will. I also received a note explaining this, and another dated 3rd May, 1843, in which he gives to me the five presentation volumes of the Paston Letters, "*and the MS. papers with them, which are in fact now of no use.*" This kind and characteristic letter I now

produce for the honour of being mentioned in a manner so highly flattering by so valuable a friend.

I also produce the five printed volumes and Mr. Dalton's MS. notes, and his own written minute of his interview with Sir Walter Trevelyan, which is really the protest of an honourable man against an imputation respecting which he expressed to me his indignation. The note is as follows :—

“ Thursday, the 24th of May, 1860,

“ Between 2 and 3 o'clock P. M.

“ Sir Walter Trevelyan, sending in his card, announced he called respecting the Paston Letters, and said it was doubted whether they were original. I showed him the observations which I made upon Sir John Fenn's copies from the originals, which I had from him for the purpose of comparing the one with the other. I went to Downham, in Norfolk, in 1783, and remained there until 1790, and the observations were made during that time. Sir Walter Trevelyan has therefore my evidence as to the originality and existence of the letters, fortified by the observations upon the different volumes. Sir John Fenn was exceedingly near-sighted, the original letters were very difficult to decipher, from the writing itself, from the state of the paper, the effect of time, and other causes.

“ W. DALTON.”

The title-page of the presentation copy of the first volume contains the following in Sir John Fenn's writing :—

“ To Mr. Dalton:

“ These volumes are presented by his obliged friend

“ THE EDITOR.”

The first of the second publication (vol. iii.) contains this writing by Sir John Fenn :—

“ To Mr. William Dalton:

“ This continuation of original letters is presented as a testimony of thanks,

12 May, 1789.”

“ From

“ THE EDITOR.”

With reference to some of the circumstances I have mentioned, I had a conversation, in London, on 31st July, 1861, with Mr. Woodward, H. M. Librarian, and it was arranged that I should meet him in the Library at Windsor Castle. I went there on 2nd August, and I understood that the Prince Consort was much interested in the Paston Letters, and was sanguine in his expectation that the missing originals would be found somewhere; and, for reasons given, His Royal Highness considered a place named as most likely, and that a strict search would

be made, for which there would be facility the following summer. It was arranged that I should take to London, when the Court went there for the winter, the MS. Notes by Mr. Dalton, the five presentation volumes, &c., for the purpose of their being seen by His Royal Highness. We all know the calamity which put an end to this.

In consequence of the leading article in the *Fortnightly Review* for 1st September last, by Mr. Herman Merivale, I attended at Windsor Castle on the 2nd instant. Mr. Woodward confirmed my recollection as to my visit in 1861, and the facts I have ventured to allude to respecting the lamented Prince Consort. I am at liberty to add, that searches are already in progress, and that no doubt, under the necessary authority, the missing MSS. will now be found, if possible.

During my long intimacy with Mr. Dalton the Paston Letters were often discussed, and I believe his impression was that the lost MSS. were last seen when "handed by Queen Charlotte to a lady-in-waiting."

Mr. Dalton was a gentleman, well connected, highly educated, and in affluence all his life, remarkable as much for his inflexible integrity as for his talent and strength of mind. If the imputation respecting the Paston Letters be even partly well founded as to the first four volumes, he, as well as Sir John Fenn, must have been not only unprincipled, but also the most wonderful fabricators that the world ever produced. Chatterton would have been a mere child by comparison, for his writings were chiefly romance, and theirs contain facts in almost every sentence.

I venture to mention that I have had the honour to be a Fellow of the Society of Antiquaries for thirty-three years, and during that time I have resided in a county adjoining to that in which were the homes of the Pastons and of many of their correspondents, and in the parish where their friend John Clopton lived to the age of about eighty-five, and whose contract to marry Elizabeth Paston is set out, vol. 3, p. 197; also his letter to her brother Sir John, about his "heart's-ease" and the "jointure." He says, "I was on Thursday last past at Cavendish, to deliver an estate to Wentworth in the land that was my brother Cavendish's." He mentions also his brother Denston and his neighbour Crane, &c. These names will bear strict examination; and John Clopton lived to put up their portraits in Melford Church, where I have recently restored and mended them. He did not marry Elizabeth Paston, and probably there was not much love in the matter, as the daughter was willing to marry him if "it shall be both for her worship and profit," and the mother asked nothing but "if it be so that his land stand clear."

In pursuing my particular antiquarian inquiries—often more or less in connection with Mr. Dalton, and I may say with the late Director of the Society of Antiquaries, John Gage, Esq., who became the representative of the historical family of Rokewode (named in the Paston Letters)—my attention has been continually directed to the events and persons mentioned in those letters. I have met with many confirmations, but never with anything to raise a particle of doubt.

No doubt Mr. Herman Merivale's objections and suspicions will be answered by competent persons. As to the Pastons being only Norfolk Squires, and having letters from great public characters, what was their friend John Clopton? Only a Suffolk Squire. Yet he was on terms of intimacy with the same great people. He was executor to the will of Anne Duchess of Buckingham, daughter of Ralph Neville, Earl of Westmerland, and to Sir Thomas Montgomery, K.G., who is much mentioned in the Paston Letters. Clopton was a Lancastrian, and although he was arrested with the Earl of Oxford, Aubrey de Vere his son, Sir Thomas Tudenham, and others, for *corresponding with the Queen of Henry VI.*, he was the only one who saved his head when all the rest were decapitated, and his escape is attributed to the fact of his being a trustee for Cecily, Duchess of York, daughter of Ralph Neville, first Earl of Westmerland, and mother of King Edward IV. The portraits of his connections, still remaining in Melford church, include persons of the highest rank and importance.

I shall not enter into a long account of Mr. Dalton's Notes, or give many extracts. I infer from them that the originals of the two first volumes were copied and translated by Mr. Dalton, and his notes are made on the printed copies which I now place on the table, pointing out errors in the printing, and some second thoughts as to doubtful words and their meaning, and referring to the originals. The notes on the third and fourth volumes are different. I infer that Sir John Fenn had copied most of them himself, and given his translation^a to Mr. Dalton for careful comparison and consideration.

Mr. Dalton's notes on the third volume alone consist of more than four hundred

^a On further consideration, I incline to think that Mr. Dalton made an exact copy or literal transcript of the ancient letters (that copy printed on the left hand), and that Sir John Fenn translated them into modern language (that copy printed on the right hand). Mr. Dalton's manuscript notes were made on the printed copies of the first two volumes, and as to vols. 3 and 4, I believe his comments are on Sir John's translation of the literal copy (which Mr. Dalton had made, and which he refers to generally as the original—being, as he believed, exactly the same as the original), and that these notes were made, as dated, a year before vols. 3 and 4 were published. The observation in Mr. Dalton's note respecting his interview with Sir Walter Trevelyan, in which he mentions Sir John Fenn's copies from the originals, means, I believe, Sir John's translated copies.

corrections, doubts, and suggestions, and in almost every instance Sir John has adopted them, as shown by the printed volume. The alterations are not important to the general history; but the volume, if printed unaltered, would have been much more liable to criticism and doubt than it is now, especially as to names of persons and places and modern words and meanings.

For example, in Letter 34, Sir John Heveningham, in a letter to Margaret Paston, requests that she "will send my Cousin William Staunton." It appears that Sir John Fenn first wrote this name "Robert Fraunton." This might have been a serious mistake. Supposing that, instead of the unknown name of Fraunton, it had been printed Robert or William "Naunton,"—both names in an ancient knightly Suffolk family—and that it had now been discovered that the only known member of that Christian name and period had died some years before, this would fairly have shaken faith in the Paston Letters (the originals being lost); and yet, it would have been a mere mistake in reading old bad writing.

The MS. notes on the Letters in this volume are dated "11th May, 1788," the volume being published 1789.

They show the most minute criticism by a clever, learned young man, who was at that time only twenty-one years of age, establish the existence of the original manuscripts, and evidence the care taken by Sir John Fenn to secure the accuracy of the printed volumes.

Believe me, sincerely yours,

C. KNIGHT WATSON, Esq.

RICHARD ALMACK.

IV.—*Report of the Committee on the Paston Letters.*

Read 10th May, 1866.

I. The Committee^a appointed by the Council on the 12th December, 1865, to collate the fifth volume of the Paston Letters with the original manuscripts exhibited to the Society on the 30th November, 1865, by Philip Howard Frere, Esq., beg to report that, in conformity with the directions of the Council, they invited E. A. Bond, Esq., Joseph Burt, Esq., P. H. Frere, Esq., James Gairdner, Esq., T. D. Hardy, Esq., Sir Frederic Madden, and Herman Merivale, Esq., to act on this Committee. Mr. Gairdner declined the invitation; and Mr. T. D. Hardy found himself unable, from the pressure of other business, to give the necessary attendance; but all the other gentlemen cordially accepted the invitation, and took part in the labours of the Committee.

II. The Paston Letters were originally sent forth from the press as follows:—

Vols. i. and ii., in 1787;

Vols. iii. and iv., in 1789; and

Vol. v., in 1823.

Vols. i. to iv. were published entirely under the editorship of Sir John Fenn; and in the preface to the third and fourth volumes^b he announced his intention to publish a further continuation. The preparation of this closing volume was interfered with by Sir John's increased weakness of sight, and by his appointment in 1791 to the office of sheriff of his native county. He states in his preface to vol. v., which is dated the 23rd February, 1791, that, in anticipation of the amount of business which the duties of that office would throw upon him, he

^a The Committee, as originally appointed, consisted of—

Sir John Boileau, Bart., V.P.

John Bruce, Esq.

A. W. Franks, Esq.

William Hardy, Esq.

H. C. Hamilton, Esq.

J. G. Nichols, Esq.

C. S. Perceval, Esq.

W. S. Walford, Esq.

^b Vol. iii. Pref. p. xvi.

had employed much more of his time than usual, during several months preceding his entry upon the office of sheriff, in the preparation of his fifth volume, "that I might complete"—such are his words—"the most material parts of it before my appointment. This," he adds, "I accomplished; and here I take leave of the public, as an editor, perhaps for ever."

There is evidence that, after he had written the above passage, and after the conclusion of his shrievalty, he still worked on the Paston Letters. In a letter, dated the 27th September, 1793, and printed in Nichols's *Literary Illustrations*, vol. v. p. 179, Sir John says, "During the last winter and spring, I nearly finished my fifth volume of Paston Letters, which I hope will, by next summer, go to the press; but to whose press I am not yet certain." The summer anticipated never arrived to Sir John, whose labours were brought to a close by his sudden death on the 14th of February, 1794.

From Sir John's death, the papers remained in the possession of his widow until her death in 1814. They then passed to Lady Fenn's nephew, Mr. Sergeant Frere, Master of Downing College, Cambridge, who states that he found the copy of vol. v. "as left prepared for the press."* He saw it through the hands of the printer (C. Roworth, Bell Yard, Temple Bar,) on its publication in 1823.

III. All these volumes present the papers which are published in them in two different forms, or versions, which are printed on opposite pages; one version (that printed on the left-hand page) purporting to be, as nearly as possible, an exact copy or representation of the original manuscript, with its contractions and peculiarities in orthography; the other version (that printed on the right-hand page) being a rendering of the original into modern English.

All the volumes were prepared for the press in the following manner:—Sir John Fenn resided at East Dereham, in the county of Norfolk, from his marriage on the 1st January, 1766, till his death. During the portion of that period within which the work of copying the manuscripts, and making the book ready for the printer, was accomplished, there also resided in the same town Mr. William Dalton, a young gentleman, who was serving his articles to Mr. James Smyth, a solicitor at East Dereham. By some arrangement between Sir John Fenn and Mr. Dalton, the nature of which has not transpired, the latter made the literal transcripts of the original manuscripts, from which the left-hand version was printed, whilst Sir John himself made the modern or right-hand version, and wrote the notes and the prefaces.

* Advertisement to vol. v. p. vii.

That this was the general course adopted in the preparation of the work for the printer is shown in the paper communicated to this Society by Richard Almack, Esq., F.S.A., which was read on the 30th November, 1865; and it also appears from the statements of Serjeant Frere, prefixed to vol. v. In the same statement Serjeant Frere informs us that, so far as respects the preparation of vol. v., although the transcripts of the original letters were almost entirely in the handwriting of Mr. Dalton, there were a few which were in that of Sir John Fenn.

The labours of Serjeant Frere in connection with vol. v., are thus stated by himself:—"I have revised the whole, and corrected what appeared to me to be obvious mistakes or inadvertencies, but I have been altogether very sparing in alteration;"^a partly, as it would seem from a subsequent passage, out of a feeling of respect for the editor himself, and a deference to his judgment; and partly from a desire to preserve uniformity between vol. v. and its predecessors.^b

IV. The first point to which the attention of the Committee was directed, was to ascertain, by external examination, whether the documents submitted to them, which had been found at Dungate, in the county of Cambridge, the residence of Philip H. Frere, Esq., and had been brought thence for exhibition to the Society, by Mr. Watson, the secretary to the Society of Antiquaries, were really genuine. A minute inspection of every one of the manuscripts, without the discovery of any single circumstance which could create a doubt, has produced in the minds of the members of the Committee the most unhesitating certainty upon this point. It is their unanimous opinion that all these papers are unquestionable remains of the periods to which they profess to belong, or to which they have been assigned. In every particular by which such documents are ordinarily tested, in the character of the several hands-writing, in the nature of the paper on which they are inscribed, in the appearance of the ink with which they were written, in the several ways in which they have been folded, fastened, sealed and directed, they present marks of genuineness and indications of their age which are perfectly unmistakeable, and negative all possibility of fraud.

V. Having arrived at this positive conclusion upon what must be the fundamental point in this inquiry, the Committee proceeded to consider whether there were any traces in these papers of interpolation, or unauthorised addition made, at any time, to the contents of the originals. All the papers have been carefully

^a Advertisement to vol. v., p. viii.

^b Ibid. p. ix.

gone through, with distinct reference to this particular point, without the discovery of anything of the kind.

The attention of the Committee has been specially directed to the two passages in vol. v., which were lately pointed out as being suspiciously modern in sound and character. "I am excuseabyll both to God and yow," (p. 296) and "the dreadfull man James Radcliff." (p. 382.) Both these passages are unquestionable parts of the original documents, and stand therein exactly as printed above.

In very many of the original papers there occur additions and corrections, obviously made by the writers at the time of writing, for the sake of correction, or by way of inserting after-thoughts. In making those alterations, a single word, or several words, have been inserted by interlineation, and sometimes words or letters have been struck through with the pen, either by overlaying them with a thin single stroke or with a broad line of ink; but no example has been found of any abrasion of the surface by the use of a knife. In the instances of alterations effected by drawing a single line through a word or letter, the line was occasionally so slight, and the ink has become so pale through lapse of time, that the transcriber has sometimes doubted whether the letters or words in question were intended to be cancelled or not, and hence have arisen some few mistakes.

A few examples of the alterations which are now alluded to will show their nature, and the perfect good faith with which they were made.

E. IV. No. 10. I prey God send yow the holy gost amonge yow in the plement howse & rather þe devyll we sey then ye shold grant eny more taskys.

This passage was originally about to be written without the "we sey," and the writer had proceeded as far as "then ye"; an alteration was then made, the "then ye" was struck out, and the writer proceeded again introducing the modifying "we sey." Some alteration or mistake in spelling occurred also with reference to the word "grant," which has been consequently left in such a state of uncertainty that it stands "gate" in the left hand, and "grant" in the right hand version of the printed book.

Ibid. No. 17. Of me and myn I wold hauyt grauntyd yf I myth; send me word yf ye her' ony tydynge from yowyr brodyr how he doth of hes seknes.

Here are several alterations; "yf I myth" was originally intended to have been "yf yt myth be"; before the final "be" was completed the writer changed her mind and wrote a caret as if intending to interline an alteration. Finally she made the alteration in another way, but left the caret standing; the final words were originally written "w^t hys seknes."

E. IV. No. 46. Sythyn yowyr fadyr deyyd whom god assoyle . . . I wuld no lēg⁹ fynde hym at my cost & charge hys boord & hys scole hyer.

The word "assoyle" was in this passage originally written "absolue", and "at my cost & charge" was an explanatory afterthought interlined in the usual way.

In addition to a multitude of these contemporary alterations, there are written upon many of the letters and papers notes or memoranda, contemporary or in some cases a little later, relating to their contents, to their dates, or to the identification of the writers.

A few examples of these memoranda will be more satisfactory than any amount of description.

E. IV. No. 6 is endorsed "A lre of Sr Jo. Paston shewing the Kynges favo^r towardē hym for the restoring of Caister."

Ibid. No. 13 is endorsed "M^rgaret Paston refuseth to take administra^{ti}on after the death of Jo. Paston hir husbond."

Ibid. No. 33 is endorsed "Caister is gotten agayn."

Ibid. No. 39. An original draft statement of the terms on which Sir Thomas Brews would

consent to the marriage of his daughter Margery is endorsed "A determina^{ti}on of Sr Tho. Brews how much he would gyve wth his daughter m^rgery in mariage."

Ibid. No. 52 is endorsed "A lre concerning the Duke of Suff being at Heylesdon, and his mirth at after noone."

Ibid. No. 58. A letter announcing the death of the writer's "grandam," and various other family afflictions, is endorsed "dies mortē A P."

It is evident that these memoranda were mere docquets or notes of the contents of the papers. They are all made in one hand—a small clear business-like writing, contemporary or nearly so with the papers endorsed.

Other endorsements consist of brief notes of the following kind, respecting the dates of undated papers :—

E. IV. No. 8 has written round the seal in a rough contemporary hand "A^o xv^o mēse noveb."

E. IV. No. 5. Under the direction "A mons J Paston cheualler," we find written in the small clear hand before alluded to: "A^o E iij^o xij^o."

E. IV. No. 7. Under the direction "To mas^r Sr John Paston knyght," we find "A^o xij^o E iij^o."

E. IV. No. 50. In the similar place, the letter being dated the 21st March, the annotator has added the name of the writer, and the regnal year: "Custaunce Raynford a^o xvij^o."

The paper last-mentioned gives us, on the front of it, an instance of another description of annotation. Immediately under the signature, we find the following memorandum :—"Lrā illius p quā J. Paston mī ac Bacchalaureus hūit filiam."

Other examples of annotation by which the writers are identified, are not unfrequent, for example :—

Rich. III. No. 1. Elizabeth Browne, the writer of the original of which this paper is a copy, is thus described: "Elizabeth fit Wiffi Paston Justic̃ pmo nupt̃ Ro. Ponyngē mit ac postea Georgio Brown' mit vt p̃; infr; nisi idem Wiffus huit ij filias uni⁹ nōis."

Hen. VII. No. 15. The writer is thus identified. "L̃ra Wiffi Paston fit jun⁹ Johis Paston aī ac se^rvien' Comitē Oxoñ."

And again—

Ibid. No. 13. "S^r John Paston vice Admyrall put p̃; infra."

In all these cases it is clear that there was nothing in the slightest degree approaching to falsification. Such memoranda simply constitute that useful description of annotation likely to be made by a person of methodical character, who was going through the papers with the desire of ascertaining, perhaps for some legal purpose, what were the subjects and whom the persons to whom they related.

It may be right to add, lest it should be thought that the fact was lost sight of by the Committee, that besides these contemporary memoranda, there are various other notes written upon these papers in several hands-writing of the last and present century. These are not of a kind to which any one could for a moment attribute the character of interpolation. One of them, written in a hand of the beginning of the last century, is an identification derived from Newcourt's Repertorium of Sir John Kendal, prior of St. John's of Jerusalem, writer of letter No. 34, Hen. VII., as having held that office from 1491 to 1500; another is a note from Stowe's Annals, upon Perkin Warbeck, signed "B. Yarm^o. 1760;" and in the right-hand lower corner of the same document there occurs a kind of monogram formed from a combination of the capital letters T and B. The Committee have been informed by Charles John Palmer, Esq., F.S.A., that these initials and the note above-mentioned indicate Thomas Barber, an antiquarian collector, and friend of Martin of Palgrave and Ives, who was an officer of customs in Great Yarmouth for many years during the last century, and died at that place on 1st November, 1785, aged 66.

All the remainder of these modern notes, which are very numerous, are believed to be in the handwriting of Sir John Fenn. They relate in general to the dates of the several papers, they state any facts used in reducing the date to its proper year, month, and day, describe the paper mark, and give brief notes of the leading facts mentioned in the letter. One example will suffice :—

Letter No. 25 Edw. IV. is dated "at Norwyche the x day of Octob. a° xv° E iiiijth." Sir John Fenn's notes are as follows:—"Norwich, 10 Oct^r 15 E. 4, 1475. Paper mark, wheels, &c. Advice to Sir John concerning Caistor. Lady of Norfolk near her time. J. Paston sick. Recommends warmth to Sir John. His mother desires his return."

Sir John Fenn has also marked the letters in pencil as having been "copied and noted. J. F."^a

Finally, on this part of the subject, many of the letters bear on the face of them a mark which may be described as a Cross of St. George, within a rectangle, with the initials "F. B." This was a mark made by the Rev. Francis Blomefield, the historian of Norfolk, upon papers that passed through his hands. In his day these Paston Letters formed part of the Norfolk collections of Peter Le Neve, which remained in the possession of Martin of Palgrave, "all which (remarks Blomefield in the preface to his first volume, published in 1739,) I have the perusal of." Many references are made to the Le Neve MSS. in the History of Norfolk, especially for genealogical purposes. The Fastolf Inventory was published in the *Archæologia*, vol. XXI., p. 238, from Blomefield's copy of one of these papers: and the extracts from the Household Books of the Lestranges, printed in vol. XXV. pp. 411-569, were derived from the same source. Some others of the Paston Papers, letters of a similar character to those under examination by this Committee, came into the possession of Mr. Douce, and passed, among his MSS., to the Bodleian Library. Among them, as the Committee are informed, there are several which bear this Blomefield mark.

VI. Having thus arrived at a conclusion as to the genuineness of the papers, and also as to the absence of interpolation, the Committee proceeded to consider in what manner the several gentlemen engaged in the preparation of vol. v., and in its correction whilst passing through the press, had executed their work. In dealing with this part of their inquiry, the Committee assigned a portion of the labour of collating the 112 papers which are printed in vol. v., and occupy 449 pages, to the several members of the Committee; and ultimately the whole volume was collated by the following gentlemen:—

Mr. Perceval collated those of the original letters which are printed between pp. 1 and 43 of vol. v.

^a In conformity with the methodical character of Sir John Fenn, this noting seems to have been made as the various portions of the work it indicated were completed. When a letter had been copied, he wrote upon it, "Copied," on one line, and J. F. under it. When the noting had been completed, he added after the "Copied," "and noted." Instances occur of "Copied," and "Copied and," the noting never having been completed, and "noted" therefore never added.

Mr. Bond, those between pp. 44 and 81.

Mr. Bruce, those between pp. 82 and 115.

Mr. Franks, those between pp. 116 and 157.

Mr. Burt, those between pp. 158 and 195.

Mr. Hamilton, those between pp. 196 and 241.

Mr. Burt, a second portion, between pp. 242 and 279.

Mr. W. Hardy, those between pp. 280 and 303.

Sir Frederic Madden, those between pp. 304 and 341.

Mr. Merivale, those between pp. 342 and 369.

Mr. Nichols, those between pp. 370 and 395.

Mr. Perceval, a second portion, between pp. 396 and 417.

Mr. Walford, those from p. 418 to p. 449, which is the end of the papers printed in the volume.

Each collator made a written report to the Committee on the results of his collation, and these separate reports are now presented to the Council.

After full consideration of the several matters suggested in them, and the prosecution of such further inquiries as have arisen out of these reports, the Committee are of opinion ;—

That the several works of transcribing the original papers, modernising the orthography, and printing, were all performed with entire good faith, and with an obvious intention and desire on the part of the several gentlemen who took shares therein to publish these documents with complete fidelity. In spite of some inaccuracies, which will be fully noticed hereafter, this opinion is emphatically pronounced by all the collators who have drawn any general conclusions from the parts which they have examined. Mr. Perceval states that, so far as his collation goes, he finds “marks of conscientious care, great intelligence, and commendable accuracy.” Mr. Bond considers the system of publication to be highly judicious, and that it proves Sir John Fenn’s appreciation of a scrupulous exactness in the work he undertook to have been rather in advance of his period. Mr. Bruce remarks that the general impression he has received from the collation is, that the difficulties of the work, both in transcribing and correcting the press, were considerable ; and that the several persons concerned in these operations designed to print the papers with exactness and accuracy. Mr. Burt attests that a perfectly *bonâ fide* rendering of the original letters was given by the transcriber, that he was fairly competent for the work, and that Sir John Fenn understood his work better than the copyist. Mr. Hamilton alludes to the difficulty of the old language and writing, and expresses himself quite satisfied with

the honesty and care of the several editors. Mr. Hardy has no hesitation in declaring his judgment and belief to be, that the letters and materials are authentic, and that they are well and honestly edited. Sir Frederic Madden, after pointing out various mistakes, observes that they are of such a nature as to prove the entire good faith of the editor, adding that the original letters speak for themselves. Mr. Merivale adds his testimony to the apparent honesty and carefulness with which Sir John Fenn performed his office. Mr. Walford remarks that neither in the original letters nor in the copies printed has he met with any indication or trace of intentional falsification, or of any dishonesty of purpose.

VII. Proceeding now to the consideration of the inaccuracies which have been brought to light by collation, the Committee would remark that it was to be expected that inaccuracies would be found. No printed book which professes to represent old documents is free from inaccuracies; and although a very great improvement has taken place in that respect since the publication of the Paston Letters (principally the result of the introduction of type which represents the contractions usual in early documents), yet even now the work of the most careful editors and the best transcribers is too often found on collation to contain mistakes—mistakes committed by all the several persons through whose agency such books are produced, mistakes of the transcribers, mistakes of the printers, and mistakes of the editors. The inaccuracies which creep into this particular description of literary labour through these various channels, too often baffle the aspirations after accuracy even of the most conscientious editors.

But, besides these common and ordinary channels of inaccuracy, there existed several peculiar misleading causes in the case of the publication of vol. v. of the Paston Letters.

1. It is not at all clear that the copy found by Mr. Serjeant Frere, and from which the volume was printed, was fully prepared for the press. Sir John Fenn's words, before quoted, are that when he learned that he was likely to be appointed sheriff, "I employed," he says, "much more of my time than usual on the work, that I might complete the most material parts of it before my appointment." Under these circumstances he appealed to the consideration of any of his readers who should discover marks of haste or inattention in the latter part of the volume. It is obvious, from his subsequent letter, before quoted, that he continued his labours up to the 27th September, 1793, and that he then thought there remained work to be done which would last until the following summer;—before the arrival of which he died. Serjeant Frere also, as we have already mentioned, speaks of

having observed in the manuscript from which he printed, what appeared to him to be obvious mistakes, or inadvertencies, which he took upon himself to correct. From these circumstances it may be inferred that the manuscript awaited some further revision on the part of Sir John Fenn, which was perhaps postponed to some anticipated period of leisure, or to the time when he should receive the printer's proofs.

2. This particular volume had the disadvantage of having been put together by Sir John Fenn when his eyesight was considerably impaired. The portrait prefixed to vol. v. exhibits difficulty of vision. Mr. Dalton states that Sir John was near-sighted; he himself remarks upon an increasing weakness or imperfection of sight, which at the time of the preparation of vol. v. had advanced so far as to disable him from reading by candle-light. When taken in connection with his slight attack of paralysis in 1791, and his sudden death by another attack in 1794, it may be inferred that the infirmity was something more than mere nearness of sight, and that it ought to be reckoned among the causes likely to produce mistakes in dealing with a number of MSS., many of which are in general character extremely alike.

3. This volume was printed by a very respectable printer, who printed the *Quarterly Review* for many years, and was probably introduced to Mr. Serjeant Frere by the late Mr. Murray, the publisher both of the *Quarterly Review* and of the fifth volume of the *Paston Letters*. The work does not contain any example of the employment of type representing the ordinary contractions in use in MSS.; and it may be inferred, therefore, that the printer did not possess such type (a thing not at all unusual at that time) nor had among his workmen any of those skilled compositors who now use the record type with great general accuracy.

4. Mr. Serjeant Frere laboured under the great disadvantage of not having had the original papers to refer to, nor much experience, as the Committee believe, in the correction of the proofs of such documents.

From these circumstances it might have been inferred beforehand that inaccuracies would be discovered, and that they would be chiefly found in Mr. Dalton's, or the left-hand version, that which contains the contracted words and the old spelling.

Such turns out to be the case. There is a considerable number of inaccuracies; the number is far larger in the left-hand version than in the right; and it not unfrequently happens that words mistaken in the former version are given correctly in the latter.

VIII. Upon analysing these inaccuracies we find that one large division of them, perhaps the largest, has arisen out of the imperfect way in which the printed copy represents the contractions of the manuscripts. A few examples will show how this has operated.

The word *that* when contracted is represented in these MSS. in two ways, sometimes by the Anglo-Saxon character termed the thorn with the addition of a letter *t*, thus: "pt," and sometimes by a *y* with the addition of the *t* raised above the line, thus: "y^t." The printer not having any type to represent the thorn, used a "y" in its place, so that the word *that* whenever contracted in the printer's copy always stands "y^t" in the printed book. So far it was the best arrangement possible, and although it did not represent the MS., inasmuch as it did not indicate the use of the thorn, it expressed the meaning of the MS., and consequently could scarcely be termed a mistake. But the same letters *y* and *t*, when placed together upon a line thus: "yt," are continually used in the MSS. to represent the pronoun *it*. In the printed book, the difference in meaning arising out of the difference in position has been overlooked, and "pt" "y^t" and "yt" are all represented in one way. The result is that—

I wold vndyrstond how yt ys, *reads* in the printed book, I wold vndyrstond how y^t ys; I wot yt welle, *reads* I wot y^t well; yt ys told me, *reads* y^t is told me; whedyr yt be don or nowt, *reads* whedyr y^t be don or nowt; be cause yt ys ffar to y^e chyrche, *reads* because y^t ys far to y^e chyrche.

These five examples occur in one letter No. 17 of Edward IV., printed at p. 82 of the volume under examination, and the same thing runs throughout the volume, whenever the pronoun *it* is spelt "yt," which is not however so often as the instances quoted from this letter might lead one to infer.

In all the cases occurring in No. 17, Sir John Fenn's, or the right-hand copy, is printed accurately "it."

The absence of a type to represent the thorn has in some cases led to very curious results. Thus in letter No. 8, Henry VII., we read in the printed book:

"Hys hyghnes wull not as 3ytte put you to ony fury~ labour or charge."

In the original the word "fury~" is simply "furþ^o," that is, further.

In this case it will be observed that there occurs in the printed book something like an example of a contract type, but Mr. Nichols has informed the Committee that the mark at the end of "fury~" is merely the common type for a circumflex "˘," set up so as to follow after the letter to which, in some cases, it almost looks as if it were attached. In this instance the circumflex is made to do duty for the contraction for "er;" in many other cases it stands as a substitute for the line

over a letter which indicates an omitted "m" or "n." There are however many cases in which that line is not attempted to be represented at all, and in which mistakes have arisen accordingly. Mr. Merivale has pointed out one of these cases, in which "no other remedy" ought to have been printed "nō," *i.e.*, "non other remedy."

In like manner, the absence of any representation of the contraction *e* for the final *es* as the termination of the genitive singular and of the plural, has often led to mistakes. In the majority of cases it is represented by a single *s*, or an *s* following an apostrophe; but in many places it is omitted altogether, which converts plural into singular, or has the effect of making it appear as if our ancestors had no distinctive termination for the genitive case. Sir Frederic Madden has pointed out that there are instances in which *coste* and *comawndmēte* are printed *cost* and *comawndment*, and in the Letter No. 17 Edward IV., before quoted, there are several instances where the writer laments the insecurity of her "plegge" *i.e.*, her sureties, which are printed simply "plegg."

Instances occur also where the like interference with the sense arises from the absence of the contraction for "er." Sir Frederic Madden quotes an instance in which *prisoneres* is converted into *p'sones*, which may stand for parsons, persons, or prisons. Mr. Hamilton gives an example of "y^e for" printed "ye for." Mr. Bruce of "ou^r," over, which is printed "on;" and Mr. Burtt states an instance in which, a word ending in "t," the printer, having nothing to represent the contraction, omitted the letter as well as the contraction, and thus reduced "Water" to "Wa."

These instances sufficiently exemplify the large class of inaccuracies which arise from the want of type to represent contractions; many other inaccuracies consist of the ordinary printer's blunders—the substitution of one letter or one word for another, in consequence of misreading the copy. Mr. Perceval has pointed out two cases, which seem to be of this kind. In one, the word "clene" has been printed "clere;" in the other "myn oncytt w cley m," has been printed "myn oncyll to Cley m"—the "w," the initial letter of "William," having been misread "to." A long list of other examples of this kind could be quoted, but the nature of such mistakes is as well known as the frequency of their occurrence, their origin being generally to be found in the haste and want of care of the writer of the copy.

A third description of inaccuracies consists of instances of clear misreadings of the MSS., in which both the left-hand and right-hand versions agree. These cases are not numerous. Mr. Burtt has pointed out two examples. In letter

No. 42, Edward IV., "lillys," the name of a manor, is printed "billys," and in the next letter a grant is stated to have been made "w' hys dissent," instead of "hys assent." Mr. Bond has also cited a curious instance in Letter 13, Edward IV., where the proverbial or popular phrase "bear the cup euyn," has been read "bear the cup durn," and has been "stigmatized" by the editor "as inexplicable."

The inaccuracies hitherto noticed have been merely literal; another class consists of the omission of several words from the left hand-version. Mr. Franks points out an instance where the conclusion of a letter "yo' sone & humbyll seru'nt" is omitted in the left-hand version, but supplied in the right. A similar omission of "Be your' suant," occurs in a letter, No. 47, Edward IV., examined by Mr. Hamilton. These and other similar cases are clear mistakes, but if we are to take this volume as representing the general practice of the editor, he certainly had notions upon the subject of making additions to his MSS. and omissions from them, which are not at all in accordance with the scrupulous accuracy in those respects of the present day. For example, he adds signatures to letters which have none in the originals. In one instance (No. 42, Edward IV.) where the final line of a letter has been partly cut off in severing the written portion of the sheet of paper from the unwritten remainder, he has added the signature, in all probability rightly, but without stating the circumstances under which it was appended.

Mr. Bond has pointed out a case in which half a letter has been omitted without notice (No. 11, Edward IV.), and Mr. Walford a similar example of three lines (No. 38, Henry VII.). Mr. Bond, Mr. Hardy, Mr. Merivale, and Mr. Hamilton have also given contemporary endorsements which are not mentioned in the printed book. In these cases there was evidently no intentional deception. The editor thought such things within his discretion, and noticed them or not, just as he thought them important or the contrary.

The last class of inaccuracies which will close this long and tedious detail would, if it were numerous, be probably the most important of all. It consists of cases in which words, which do not occur in the original, appear in the printed book. Mr. Hamilton has pointed out an instance in which a direction of a letter (No. 47, Edward IV.) "To the ryth worchypful Ser John Paston knyght" has been supplied in old spelling, part of which, "ryth worchypful Ser," has been derived from the commencement of the letter. Mr. Walford has pointed out that, in the instance of No. 38, Henry VII. p. 438, a heading of "Est Bekh'm thadward" has been gratuitously given to the document. But the most extraordinary case of this kind occurs in a letter examined by Mr. Perceval, No. 3, Edward IV. This letter

is faulty in several other particulars; for example, "feg" is inserted in the left-hand version, and rendered "figs" in the right hand without any corresponding word in the original. A probable explanation may be given of this insertion, but several other inaccuracies in the same letter are quite inexplicable; and they are closed by the addition of the following passage at the conclusion of the left-hand version: "I warn you kepe y^e lett^r clos and lese y^e not rather brenyt;" or, as it stands in the right-hand copy, "I warn you keep this letter close and lose it not, rather burn it."

There is nothing in the original to warrant any part of this sentence, nor to lead to an explanation how it came to be added to the copy. In substance and language the addition looks as if it might have been found in some one of these original letters, and the only clues to the origin of its purposeless addition that have occurred, or have been suggested to the Committee, are, that it was written upon a separate piece of paper, which has disappeared; or that Sir John Fenn, misled by his defective vision, transferred the passage in mistake from some other letter which has not been published, nor been seen by the Committee.

In dealing with all these inaccuracies, whether they are explainable or not, it is important to bear in mind that all the gentlemen connected with this publication were persons of unquestionable character.

Of Mr. Serjeant Frere it is unnecessary to say a word. His position in his profession, and in the University of Cambridge, places him far above all doubt or suspicion.

Mr. Almack, in the letter to which we have already alluded, has stated that Mr. Dalton was a gentleman well connected, highly educated, and remarkable as much for inflexible integrity as for talent and strength of mind. George Alfred Carthew, Esq., a Fellow of this Society, and who now in his professional character represents the office in which Mr. Dalton served his articles, has given similar information to the Committee. After leaving East Dereham, Mr. Dalton passed a long life at Bury Saint Edmund's, a part of it in the practice of his profession. He held several public offices; was confided in by persons of the highest station; and died on the 2nd October, 1860, in the 94th year of his age, universally respected and esteemed.

Testimony equally emphatic has been given to the character of Sir John Fenn. From an advertisement containing notices of his life, prefixed by Serjeant Frere to the fifth volume of the Paston Letters, we gather that, although possessed of only a moderate fortune and descended from a family which had fallen into obscurity, by a correct and regular discharge of duties, by scrupulous punctuality

and veracity, by imperturbable temper and manly simplicity of character and manners, combined with an unenthusiastic religious sobriety, he acquired considerable influence in his native county. He was early placed in the commission of the peace, was afterwards appointed a deputy lieutenant, was knighted on the 23rd May, 1787, and finally served the office of high sheriff in 1791.

His connexion with this Society, into which he was elected in the year 1771, fostered his taste for historical inquiry, and brought him into acquaintance and correspondence with Grose, Gough, Craven Ord, Edward King, and other men of note in antiquarian studies. He made two communications to this Society. The first, which was read on the 23rd Nov. 1780, comprised memoirs of the life of Thomas Martin, of Palgrave, with an account of the disposal of his collections. This remains in MS. in our library, No. 33. His second communication was made on the 30th November, 1780, and consisted of observations upon the murder of William de la Pole, Duke of Suffolk, in the year 1450. This paper was founded upon two of the Paston Letters, copies of which were, at this time, entered upon the minutes of the Society, vol. xvii. pp. 181, 193, seven years before any of them were given to the public.

He also communicated to this Society three tables, exhibiting the state of this Society from its first rise in 1572, down to the year 1784; with the addition of various useful "Observations and Queries," being suggestions for the improvement of the publications of the Society, most of which have been carried out. These lists were published by the Society in 1784, together with an index, also compiled by Sir John Fenn, of the prints published in the "*Vetusta Monumenta*" and otherwise, from 1717 to 1784. Such useful works indicate the compiler's regular methodical turn of mind. When he entered upon reflection or observation, his mode of expression was verbose and grandiloquent, and it cannot be doubted that in manner he was formal and ceremonious, but in classifying or otherwise dealing with facts, no one could exceed him in laborious precision and conscientious accuracy.

The Committee find themselves totally unable to report in what degree the several persons engaged in the production of this book are responsible for its various inaccuracies. It was hoped that the Committee might have obtained an inspection of the copy sent to the press by Serjeant Frere, but Mr. Frere has informed the secretary that he is not aware that he has it in his possession. Under any mode of editing with which persons accustomed to this kind of literary work are now acquainted, a very great many of the inaccuracies which have been described would have disappeared in the correction of the press. But the situation of

Serjeant Frere was in this respect peculiar. What arrangements he made for the correction of the proofs the Committee do not know. The probability is that he entrusted the work to some one who was not entirely competent, and if it be further supposed that Sir John Fenn had not completed his task of collation or comparison of the transcripts with the originals, the wonder is not that there are so many inaccuracies, but that they are not more numerous and more important.

XI. The conclusions at which the Committee have arrived upon the whole inquiry are:—

1. That the original letters are unquestionably genuine.
2. That they remain undefaced, uninterpolated, and untampered with.
3. That the printed book contains a considerable number of literal and some verbal inaccuracies, but that in the hands of an intelligent and competent reader, it will be found to represent the original sufficiently for all general purposes, although of little authority in matters of orthography and grammatical inflexion.
4. That there was no want of good faith in any of the persons engaged in its preparation or publication; but that each of them, according to his degree of competency and ability, and the means of obtaining accuracy at his command, and according also to the mode of publishing such documents then prevalent, endeavoured to do what was right.

APPENDIX.

Reports of the Collators of the Fifth Volume of Paston Letters.

I.—LETTERS I. TO VIII. EDW. IV., AND XXV. TO XXXII. HEN. VII.

I have collated the following original Letters with the text of the 5th volume, printed by Serjeant Frere; viz., Fasciculus I. Letters temp. Ed. IV. i. to viii. incl.; Fasciculus XII. Letters temp. Hen. VII. xxv. to xxxii. incl.

The two printed texts, the one in the ancient and contracted, the other in the modern and expanded orthography, appear to me to be independent versions. I am led to this belief from the circumstance that mis-readings or mis-prints occurring in the former, are not unfrequently corrected in the latter version.

The transcriber or editor of the contracted text (or fac-simile) appears not to have been thoroughly master of the import and significance of some of the contractions used in these letters, as well as in other documents of the same period. In particular he has constantly neglected the mute 'e' final, when indicated by a recurved upward stroke, and has as constantly rendered the sign of the ancient plural termination of substantives in 'is' or 'ys' or 'es' by 's' only: while, in consequence of the imperfect appreciation of the meaning of the contractions or *nexus*, they are not always reproduced in fac-simile with such exactitude as might be expected at the present day of an accomplished palæographer editing such a text with its contractions.

The errors (if so they may be called) due to this source scarcely ever affect the sense of a passage, but are occasionally of philological importance.

The literal accuracy of the fac-simile is in other respects very great, and will I think appear almost surprisingly so, when it is considered that the "posthumous editor" of the 5th volume had no opportunity of collating his proofs with the original letters.

That portion of the extended text which has fallen to me to examine, seems also to have been prepared and printed with great skill and care. On the whole, I think I may safely say that, so far as my collation goes, the work exhibits all the marks of conscientious care, great intelligence, and commendable accuracy.

A list of some errors which I have noticed (not being mere errors of spelling) is subjoined:

EDWARD IV.

LETTER I.

Page 6, line 2, for *clere* hole, read *clene* hole. The modern text reads "clean" rightly.

LETTER III.

Page 12, line 7 from bottom, for

"I wolde that *he* were hens in haste,"
read *I*
(perhaps *J* for *Iohn* Pampynge).

Page 14, line 8, for "*dm*" a riale," read "*dei* a riale."

Page 14, line 9, for "*w^t swgr feg* and *dat*," read "*w^t fwg^o & dat^e*."

The word *fwg^o* (sugar) is ill-written, and perhaps in the first instance was mis-read "*feg^o*" (taken for figs); and, though afterwards the word was corrected and the correction inserted, yet the blunder remained. This error is in both texts.

Page 14, line 18, for "*r'ysonys of Coriint*" read *Corens*; for "*grenys and comfys* of ych of these send me y^e p'ce of a li and yf" read "*grenys* of ych of these send me y^e p'ce of ych of these and yf" (the words repeated *per incuriam scribæ*).

Same letter, at the end:

Page 14, the words after "on St. Leonard's eve," do not occur at all in the original. (The words are, "I warn you kepe y^e lett^r clos, and lese y^t not rather brenyt.") "By yowy^o mod^o" concludes the letter, as in the printed copy.

LETTER IV.

Page 18, line 18, for "*myn oncyll to Cleym in Castr*," read "*myn oncyff W. cleym*," &c. The modern version rightly has "William's claim."

Page 20, line 10, be shet y^e bolt; for *bolt* read *bote* or *bete*.

Page 20, line 25, for "*ther lyvys*" read "*her lyuys*."

LETTER VII.

Page 37, line 6, "*ferforthe*," wrongly paraphrased "*forsooth*" in the modern text.

Page 38, line 17, for R. C., initials of a name, read R. T.

LETTER VIII.

Page 42, line 7, for "*forwell*," read *fordeff*.

Page 42, line 9, "*on*" for "*one*," has been misread in the fac-simile, as "*sū*" for "*some*." The modern text has "*one*," rightly.

HENRY VII.

LETTER XXVI. (A Draft or Copy.)

Page 398, line 6, for "my right s^runt," read "my right welbeloved fuⁿt:" the modern text inserts "*well-beloved*" rightly.

The initials E. N. given in the printed copy, as at the foot of the letter, are not in the original.

LETTER XXXI.

Page 412, line 2, for "Heny" read "Herry"—"Henry" in modern text.

Page 414, line 3, for *really* read *rially*.

CHAS. SP. PERCEVAL.

Jan. 9, 1866.

II.—LETTERS IX. TO XVI., EDW. IV.

In compliance with the wish of the Council of the Society, I have collated eight letters, numbered IX. to XVI., in the fifth volume of Sir John Fenn's work, with their originals, and have to state the following results:—

The system of publication by transcripts representing the spelling and the contractions of words used in the originals, accompanied with distinct copies exhibiting the letters in the modern form, in orthography and punctuation, appears to me to be highly judicious, and proves Sir John's appreciation of a scrupulous exactness, in the work he undertook, to have been rather in advance of his period. But the execution of the plan has not been carried out with entire success.

The direct transcripts are open to several objections:—

1. The forms of contraction are not correctly represented. The syllables *par*, *per*, *pur*, *pre*, and *pro*, are, for instance, uniformly represented by a *p* with a superior *r*, though the distinctions of the several forms are carefully observed in the originals.
2. The contractions are frequently and purposely omitted, particularly when they occur at the end of words complete without them, according to modern orthography; as "hath" for "hath'," "evyll" for "evyllt," "lateward" for "latewardt." And in some instances the sense is affected by the omission; as "moodr" for "moodre" (mother's).
3. Sometimes a liberty is taken with the original in extending a contraction, as in representing the genitive of a noun by an "s" with an apostrophe, as "Harsett's" for "Harsett," "Towneshend's" for "Towneshendt."
4. The marks of punctuation are almost always neglected—either omitted, or wrongly inserted, or misrepresented; and the sense of passages is sometimes obscured by this defect.
5. Capital letters are used, without regard to the authority of the originals; and double letters are disregarded—as "of" for "off."
6. Erasures are unnoticed; and interlineations not indicated as such.

7. Compound words divided in the originals are run together in the transcripts. The distinct words "*never the less*" are written "nevertheless" in one; "*in to*" is written "into;" and sometimes a single word in the original is divided in the transcript, as "*shal be*" for "shalbe," "*Lee is*" for "lees."

8. Though it was evidently the intention to observe the distinction between the "u" and "e" found in the originals, the exception in practice is so frequent that the transcript cannot be depended on in this particular.

9. The letter "y" is invariably substituted for the Anglo-Saxon þ in the contractions for "the," "this," &c.

10. Contemporary indorsements are sometimes overlooked.

The transcripts, with these qualifications, may be pronounced reasonably accurate; and where they have fallen into error, it is to be observed that they are almost always set right in Sir John Fenn's modern renderings. I may notice, however, one instance in which Sir John has been unable to correct a misreading of the transcriber, though he remarks upon the obscurity it occasions. It occurs in the 13th Letter. A saying is quoted which the transcriber had read "Ber the cuppe durñ." Fenn copies the misreading "durñ," and in a note stigmatises it as inexplicable. He failed to hit upon the correct reading, "euyñ" for "durñ"—"Bear the cup even."

I should call attention to the fact, that more than half of the contents of Letter XI., as they appear in the original, have been dropped in the printed copy; and that without any notice or mark of omission.

As a means of exhibiting the degree of accuracy found in the transcripts, I subjoin a list of errors—apart from neglected contractions at the end of words—detected in the eight letters I have collated.

LETTER IX.

For "mekly" read "mekly."

For "lickyd" read "liekyd."

For "relessys" read "relessis."

For "seyd" read "sey." [*Blunder in orig.*]

LETTER X.

For "pore" read "poore."

For "cossyn" read "cosyn."

For "you" read "yow."

For "nowght" read "nawght."

For "lyekyth" read "lyekyth."

For "Haydons" read "Heydons."

For "you" read "yow."

For "Harsett's" read "Harsett."

For "pewer" read "power."

For "into" read "in to."

For "shal be" read "shalbe."

For "howse" read "hawse."

For "gate" read "grante."

For "Annoneyacyon" read "Anuncyacyon."

For "xiij." read "xiij°."

For "yong" read "yonge."

For "hys doughter" read "on of hys doughtyr."

For "Berney" read "Barney."

For "Calthorp" read "Calthorpp."

LETTER XI.

For "recomend" read "recomand."
 For "unto" read "on to."
 For "tower" read "tour'."

For "yitt" read "yit."
 For "pray" read "preye."
 For "haddy" read "hadde."

LETTER XII.

For "Mychalys" read "Mychaelys."
 For "Koket" read "Kokett."
 For "thatt theer" read "than theer off."
 For "y'" read "yt."
 For "mat'ir" read "mat^ors."
 For "played" read "pleyed."

For "feoll" read "fooll."
 For "nor" read "ner."
 For "pecs" read "pecç."
 For "cost'" read "costr'."
 For "hys" read "thys"

LETTER XIII.

For "moodr" read "moodrç."
 For "hossekeper" read "horsekeper."

For "duñ" read "euyñ."

LETTER XIV.

For "Edmund" read "Edmud" (in three instances).
 For "spek" read "spak."
 For "deale" read "deele."

For "Lee is" read "lecis."
 For "syprese" read "sypresse."
 For "take" read "tak."

LETTER XV.

For "Margret" read "Margrett."
 For "apeyrrd" read "apeyryd."
 For "so" read "soo."
 For "Townshend" read "Towneshend."
 For "of" read "off" (commonly here and elsewhere).

For "chevysance" read "chevyshance" (twice).
 For "chevystie" read "chevyshe."
 For "hat" read "hate."
 For "is" read "as."
 For "messenger" read "massenger."

LETTER XVI.

For "yow" read "yowe."
 For "payable" read "payeable."
 For "spor" read "spor'."

For "purveyed" read "porveyed."
 For "serteynte," read "serteyntes."

EDWD. A. BOND.

British Museum, 9th January, 1866.

III.—LETTERS XVII—XXIV., EDW. IV.

I have collated the Letters XVII. to XXIV. Edward IV., printed in vol. v. pp. 82–114.

The variations between the MSS. and the printed book are somewhat numerous, but the great majority are of little importance. Their origin may be traced, in most instances, to one of the three following causes: 1. Mistakes of the copyist in reading his manuscript; 2. Inability of the printer to represent in type the marks of contraction customary in manuscripts; and 3. Failure in correction of mistakes of the press.

An example of each of these several kinds of variation may be quoted from Letter XVII. In a postscript to that letter we read "more than £7 of the money that was paid him was right on rusty;" the MS. reads "right ou rusty" "right over rusty." Here the mistake was probably that of the copyist. Again; "Be thys delyuyd" is part of the direction of the same letter; but these words are printed "Be thys delyu'ed;" the "u'" instead of "u" resulted from the printer's want of record type; and the "ed" instead of "yd" was probably a mistake of the press, and should have been corrected by the editor. But, admitting these inaccuracies, no one would read the word as it stands printed otherwise than "delivered."

Considering the objects of the collation, it seems to me that I shall sufficiently satisfy the requirements of the Committee if I return a note of all the variations between the MSS. and the printed book which convey a different sense. The lists appended to this report have been framed upon this principle.

All the letters I have collated have been printed entire.

The general impression I have received from the collation is, that the difficulties of the work, both in transcribing and correcting the press, were considerable; and that the several persons concerned in those operations designed to print the papers with exactness and accuracy. The occasional failure is principally to be attributed to circumstances connected with the preparation and printing of the volume. Had Sir John Fenn seen it through the press himself, I make no doubt the inaccuracies would not have been so numerous.

LETTER XVII. PAGES 82—95.

Page 82. Insert "(m)" at commencement, before "I gret yow well."

For "at thys tyme" read "ar thys tyme"

Page 84. For "for the bettyr" read "far the bettyr."

For "yt" read "yt" (several times)

For "y^e prson" read "y^e prson"

For "hyr seknes" read "hys seknes."

For "on rysty" read "ou rysty."

Page 85. The letter is not signed "Margaret Paston."

LETTER XVIII. PAGES 86—91.

- Page 86. For "a° xiiij°" read "a° xiiij°."
 Page 88. For "plegg" read "plegge" (several times)
 For "fyng^{ys}" read "fyngys"
 For "y^t" read "yt" (several times)
 For "2d." read "2^d."
 Page 90. For "send" read "seyd"
 For "lyk" read "kyk" [mistake]

LETTER XIX. PAGES 92—96.

- Page 94. For "Mast'." read "the Mast"
 Page 96. For "yitt" read "yet"

LETTER XX. PAGES 96—101.

- Page 96. For "non" read "neū."
 Page 98. For "wetyng I'm" read "wetyng. Itm'."
 Page 100. For "lhe" read "lhc"
 For "Calys" read "Caleys"

Old endorsement of contents unnoticed.

LETTER XXI.

- Page 102. For "known" read "knowe"
 For "pleas'" read "pleaf"
 For "seme" read "semeq"
 Page 104. For "R. Southwell" read "Re. Southwell."

LETTER XXII.

- Page 104. For "y°" read "y^t."
 For "y' of" read "p^o of"
 For "Sym" read "Sym'"
 Page 106. For "boroeng y^t of y°" read "boroeng off pe."
 For "nor" read "no^p"
 For "nor" read "ner'"
 For "y' of" read "p^o of"
 For "devyrs" read "deuyr"
 For "viij sum'a" read "viij. suñā"
 For "nor" read "no^p"
 Page 108. For "prety" read "praty"
 Direction (page 104) add "menc' maij a° xv°"

LETTER XXIII.

| | |
|----------------------|-------------------------|
| Page 110, For "wags" | read "wage." |
| For "Scamond" | read "Beamond" |
| For "of yowr leyser" | read "iff yowr' leyser" |
| For "slowe" | read "slawe." |
| For "on c li" | read "an c li" |
| For "Ihu" | read "Ihe." |

JNO. BRUCE.

IV.—LETTERS XXV. TO XXXIV. EDW. IV.

In the letters which I have collated, although the fac-simile text is not accurate as to every letter, the spelling has been fairly followed, excepting in the case of contractions, which are constantly overlooked, especially in the final e, es, or ys.

The following mis-readings have been noticed, over and above verbal errors or omitted contractions:—

LETTER XXV.

Page 116, line 6, for "our" read "op^d," other, as correctly given in extended text.

Page 118, line 7, for "ware" read "wore."

The signature to this letter is P. I. not I. P. (Paston, Junior?).

LETTER XXVIII.

Page 130, line 15, for "ye" read "yⁱ," as correctly in extended text.

line 17, for "avythe," read "owythe," as correctly printed in extended text.

LETTER XXIX.

Before signature, is omitted "yo^r sone and humbyll seru^{nt}," as in extended text.

LETTER XXX.

Page 138, line 16, for "one," read "an," correct in extended text; before the signature, same omission as in last letter; after "J. Paston," "J." (Junior).

LETTER XXXI.

Page 140, line 3, for "Calle," read "Colle."

LETTER XXXII.

Page 144, last line, for "non," read "nott;" "se" is probably a mistake in original for "be."
 Page 146, line 7, for "y^e," read "y^t;" correct in extended text.

LETTER XXXIII.

Page 150, line 3, for "be," read "so;" correct in extended text.

LETTER XXXIV.

Page 152, line 20, for "Camberach," read "Camberag'."
 Page 152, line 24, for "howr bett'," read "howe beit;" as in extended text.
 Page 154, line 12, for "y^t," read "yf," as in extended text.

AUGUSTUS W. FRANKS.

British Museum, Jan. 6, 1866.

V.—LETTERS XXXV TO XLIV. EDW. IV.

I have examined that portion of the original "Paston Letters" which was committed to me for collation, with the printed volume.

The letters are Nos. XXXV to XLIV inclusive, of Vol. V.

The result of my collation has been to convince me that a perfectly *bond fide* rendering of the original letters was given by the transcriber, and that he was fairly competent for the work. His reading is not quite accurate, chiefly as regards some of the smaller words, and the value and purport of several of the contractions commonly in use seem to have been scarcely understood by him. But, if understood, there was a difficulty in their being represented with accuracy, as no printer was in possession of the requisite type.

As regards many of these variations from the original, the version given by Sir John Fenn is far more correct than the transcript;—showing that it must have been made independent of that transcript, and that the author understood his work better than the copyist.

There is a singular corroboration of this opinion in the first letter which has passed under my hands. In the sentence near the end of the letter, "And, Cosyn, if it please yowe to com to Topcroft, and poynt ye what dey when ye will com, I schalle sende for my Cosyn, &c. to be there the same day," the "&c" following "Cosyn" is omitted in the transcript, but supplied in the modern version. It is an important word in the sentence, interlined in the original over an erasure, and rather obscurely written. It could never have occurred to any one with a copy before him not containing the word, that it ought to be inserted.

The chief literal variations are the following, nearly all of which occur more than once.

In the transcript "Henry" is given for "Herry"

| | |
|----------------|-------------------|
| "ondyrstand" | for "undyrstand" |
| "J" | for "I" |
| "well" | for "wele" |
| "go on to" | for "go un to" |
| "conclussyons" | for "conclusyons" |
| "zow" | for "yow" |
| "sent" | for "sennte" |
| "Persse" | for "Peerse" |
| "lycketh" | for "lyeketh" |
| "leueng" | for "leveing." |

The following are the more important variations, besides that of the "&c."

LETTER XXXV.

Signature "Be yo^r cosyn Dame Elizabeth Brews;" omitted in the copy, but supplied in the modern version.

LETTER XXXVI.

"gyffe hyr for a m^t ti," rendered "for a m^e li;" but corrected in the modern version.

LETTER XLI.

The direction "in Calic'," given "in Calic."

"gtre" given "c'tre," but correctly extended in the modern version.

"dede & pric'," given "deds and pric," but correctly extended in the modern version.

LETTER XLII.

8th line. The word "Iīm" omitted before "wher ye thynke," but given in the modern version.

1st line of p. 182, "man" should be "man^r;" correctly given in the modern version.

3rd line, "Run'm" should be "Runh'm."

4th line (on same page), "billys" should be "lillys;" this is also wrong in the modern version.

9th line from end of letter, "can nev'," printed "cam."

LETTER XLIII.

In middle of letter, "that I g^auntyd yow w^t hys assent," printed in *both* versions "dissent."

The address to Margaret Paston given for this letter does not exist in the original, nor do those for the two letters contained in it, and intended to be sent to "Dame Elyzabeth Brews" and to "John Paston Sqwyer," the writer of the three letters in one. These have been supplied by the transcriber or corrector.

JOSEPH BURTT.

Public Record Office,
31st January, 1866.

VI.—LETTERS XLV. TO LIV., EDW. IV.

As one of the members of the Committee on the Paston Letters, I feel quite satisfied with the perfect honesty and general accuracy of the printed literal transcript. I have collated every word of the letters in my fasciculus, and the following are the inadvertencies or inaccuracies which I have noted:—

Page 196, line 3 from foot, for "I most," read "Item I most."

Page 199, line 1, for "considering," read "considered." (*Mem.* The literal transcript is correct in this place.)

Page 200, line 3, for "yow," read "yowr."

LETTER XLVI.

Page 200, last line but one, for "not," read "nat."

Page 202, line 6, for "refrey," read "resseyue"=receive.

Page 202, line 7, for "yre," read "y^{is},"=this.

Page 202, line 8, for "y^t," read "yt,"=it.

Page 202, line 13, for "y^t," read "yt."

Page 202, line 15, for "ye," read "y^{is}."

Page 202, line 23, for "yt," read "yt."

Page 202, line 25, for "wurchyp and" read "vourchyys pfyte."

Page 204, line 1, for "ye for," read "y^efor"=therefore.

Page 204, line 3, for "y^t," read "yt,"=it.

Page 205, line 6, for "them, for as," read "therefor. As for (me)."

LETTER XLVII.

Page 207, line 5 (or 7), for "could none have," read "should none have."

Page 206, line 5 (or 8), for "trebill," read "trobil."

Page 206, line 9, for "zoodknape," read "goodknape."

Page 206, 7 lines from foot, for "in is kepyng," read "in kepyng." I think the "s" in "is" is part of "k," and that there is not the word "is."

Page 206, last line, for "zoo," read "goo;" same line, for "swan," read "swans;" same line, for "be," read "7," (and).

Page 208, line 2, for "be" (first word) read "vs."

The indorsement of the letter is omitted; it is:—

"Pekok. M Decēb a° E iij^{id} xvi°.

"No^a p wrecco maris ap^d Wynterton."

Instead of this they have given "To the ryth worchypful Sir John Paston, knyght."

Page 210, line 7, for "gwyd," read "gwydē,"=guides.

Page 210, line 16, for "me thynk," read "me thynke,"=methinks; and at page 211.

Page 210, line 20, for "p'mysed," read "pmysed."

Page 214, line 8, for "the," read "thes."

Page 215, line 18, for "proposeth," read "purposeth."

Page 216, line 7, for "incontinū," read "incontinēt."

Page 216, line 5 from foot, for "dysperte," read "dysporte."

Page 218, line 7, for "serv^unt," read "seru^unt,"=servaunt.

Page 220, last line but one, for "heys," read "hoys,"=whose.

Page 221, also the same word.

Page 222, line 1, for "her of I beseche yow to be y^e," read "herof I beseke yow be y^e."

Page 222, line 3, for "all," read "at all."

Page 222, line 6, for "Constance," read "Constans."

Page 224, line 14, for "buschoyps," read "buschopys,"=bishops.

Page 228, line 3, for "Powlys," read "Pawlys."

Page 228, line 8, for "yt," read "y^o,"=there.

Page 228, line 15, for "and," read "dud."

Page 228, line 19, for "ze," read "ye."

Page 230, for "of y^r" read "of y^o"=off ther.

Page 230, line 17, for "Aby vj for on," read "A by bi for eū"=all be by for ever; i. e., all be put by their advantages for ever.

Page 230, line 20, for "rayn" read "ruyn."

Page 230, line 22. "nor" read "neū"=never.

Page 232, line 2, for "Falstolf" read "Fastolf" (which was indeed the name).

Page 232, line 18, for "Barker" read "Parker."

Page 232, last line of paragraph, for "Corpus crysty" read "Corpus Crysty Even."

Page 236, line 3, for "litynge" read "letyngē."

Page 236, line 4, "ferthirmor" read "ferthermor'."

Page 238, line 2, for "gyndenesse" read "gyudenesse,"=goodness not kindness.

Page 239, line 2, for "kindness" read "goodness."

Page 238, line 3 from foot, for "yt" read "yt,"=it.

Page 240, line 4, for "yt" read "yt,"=it.

Page 240, line 9, for "yowre" read "yow."

This is all I have to remark on the letters you kindly confided to my strictures, but I cannot conclude without alluding to the difficulty of the old language and writing, and again expressing myself quite satisfied with the honesty and care of the several editors.

HANS C. HAMILTON.

Public Record Office.

VII.—LETTERS LV. TO LXIV. EDW. IV.

Having completed my collation of the second *fasciculus* of the Paston Letters (Nos. LV. to LXIV.), I have but little to add to my previous remarks.

I have found the same slight literal variations which I have already noticed, and the same slight deviations as regards contractions, usually corrected in the modern version.

The more important variations in the transcript are as follows:—

LETTER LVII.

“Añ” for “Amen,” omitted at the end of the letter; supplied in the modern version.

LETTER LXI.

Page 264, near the end, “Wa? whechlythe” printed “wa’whechlythe;” corrected in the modern version.

“w^t me” omitted in a sentence on page 268, supplied in the modern version.

LETTER LXII.

Page 268, “of” omitted before “Ely;” supplied in the modern version.

“you” omitted in another part; supplied in the modern version.

LETTER LXIII.

Page 272. The word “be” inserted before “klenly” (eaten away).

LETTER LXIV.

Page 274. At the end of the letter, the word “and” inserted after “moste.”

LETTER LXI.

Page 264, line 1. The word “beheffe,” or “behoffe” (for “behalf,” or “behoof”), is given “behesse,” and rendered “behest” in the modern version.

The edge of LETTER LXIII has been eaten away (by rats, I think) in two places since publication, by which a few letters have been lost in eight or nine lines.

JOSEPH BURTT.

VIII.—LETTERS LXV. TO LXX. EDW. IV.; I. EDW. V.; AND I. RICH. III.

I beg leave to submit to the Committee the following observations, being the result of my collation of the originals with the copies of the letters printed in the 5th volume of Sir John Fenn’s Collection of the Paston Letters, pp. 280—307.

I. Page 280, LXV.—Letter from William Paston to the farmer of his manor of Harwelbury, dated 24th Feb. and referred by the Editor to the 19th of Edw. IV. 14¹/₈. Holograph.

Corr. Page 280, line 4, "liveth" for "leveth."

" " 5, "govin" for "govyn."

" " 5, "ye" for "ye" (*i.e.*, *the* for *ye* or *you*).

" " 20, "said" for "seid."

" 282, " 2, "xxiiij" for "xxiiijth."

" " 3, "Februar" for "Februari."

I think also the occasional substitution of *J* for *I* is not warranted by the original. The letter is the same throughout, and may always be read *I*.

II. Page 282, LXVI.—Letter from E. Paston to his brother, John Paston, Esq. Holograph.

Corr. Page 282, "J" for "I," and so in all the letters collated.

" line 2, "Bolt" for "Boolt."

" 284, " 1, "halth" for "helth."

" " 2, "from" for "ffrom," *i.e.*, *From*.

The frequent omission of marks of abbreviation and their inappropriate form when employed, is a fault common to all the letters I have collated.

III. Page 284, LXVII.—Letter from T. Cryne to his Master, John Paston, dated 10th April, 22 Edw. IV. Holograph.

Corr. Page 286, line 6, "in," for "on."

" " 14, "Thorpelond" for "Thorplond."

" " 17, "sauē" for "s^unt."

IV. Page 288, LXVIII.—Letter to Master John Paston—autograph signature of Margery Paston—about 1482 or 1483.

Immediately under the address on the back of the letter is written, in a later, but still in an old hand—

" Lra ab ux^oe ut p pscripti inf^r p^s."

(*i.e.*) Litera ab uxore ut per postscriptum infra patet.

See a similar note in the letter, p. 304.

Corr. Page 288, line 5, "and" for "to," *not* corrected in the modern version.

" " 8, "Multon" for "Meelton."

" " 15, "servāts" for "ten^{ante}" (*tenautes*), corrected in the modern version.

" " 18, "except" for "exept."

" " 20, "of" omitted in copy—supplied in the modern version.

" " 22, "Calthorp" for "Caltorp."

" 290, " 1, "A goune" for "A go."

" " 5, "his" for "hes."

" " 11, "babies" for "babees."

V. Page 292, LXIX.—Letter to Master John Paston, Esquire—about 1482 or 1483—autograph signature of Margery Paston.

Corr. Page 292, line 6, "Fille" for "Fylle."

- Corr. page 292, line 20, "herme" for "harne."
 " 294, " 10, "besechyng" for "besychyng."
 " " 12, "onner" for "onowr."
 " " 14, "thys" for "this."
 " " 24, "srwnt" for "fuant."

VI. Page 296, LXX.—Letter from John Paston to his mother, Margaret Paston, between 1482 and 1484. Holograph.

- Corr. Page 296, line 6, "wyce" for "wise."
 " " 14, "that," omitted in copy; supplied in modern version.
 " " 19, "we" for "ye," corrected in modern version.
 " " 20, "oopen" for "upon."
 " " 22, "sylf" for "sylff."
 " 298, " 6, "trust" for "trist."
 " " "sylf" for "sylff."

VII. Page 302, I. Letter to Lord Nevill from Richard, Duke of Gloucester.

This purports to be printed from a modern manuscript only.

VIII. Page 304. I. From Elizabeth Browne to her nephew J. Paston. This appears to be only an ancient copy. It is indorsed in a contemporary hand, or nearly so, "The Copeye of a Lettre of Dame E. Browne ayenst Wiffm Paston."

I am unable to explain the double date in this letter which the Editor treats as the original letter sent; in that case, if it be so, the explanation which he suggests may have some force. There is no mark of a seal, and written on the back is a memorandum in a hand of about the time of Queen Elizabeth; which seems to favor a suggestion that all these letters had been collected many years ago as objects of interest, probably by some member of the family, viz.:

"Elizabeth fit Wiffm Paston Justic'
 primo nupt' Ro. Ponynge mit ac
 postea Georgio Browne mit ut p3 infr';
 nisi idem Wiffm huit ij filias unius nominis."

i.e. Elizabetha filia Willielmi Paston Justiciarii, primo nupta Ro. Ponynge militi ac postea Georgio Browne militi, ut patet infra; nisi idem Willielmus habuit duas filias unius nominis.

- Corr. Page 304, line 5, "er" for "or."
 " " 10, "ony" for "eny."
 " " "psone" for "psone."

All the transcripts of the letters I have collated appear to have been made with great care, and from them the text is printed, seemingly without revision. This I infer from the fact that errors in the transcript are not corrected in the *fac-simile* text, but are amended in the modernised text, and obviously, by collation, from the originals.

The signs used for the abbreviations in the print are not such as the modern improvements in the type would be able to supply; and this gives a semblance of error, probably not attributable to the transcriber—such as p'myse, instead of pmyse, for promyse—p'cell instead of pcell, for parcell;

and the substitution of *s* for *e*—the sign of abbreviation of *es* or *is*—as *thyngē* for *thynges*—*towardē* for *towards*—*loodē* for *loodis*. The editor doubtless availed himself of the best characters within his reach; but types recently have been cut which more accurately express the forms of abbreviation used in ancient writings. Occasionally the mark of abbreviation over the final letter is omitted altogether, and at other times the omitted letter is supplied—as *nothyngē* for *nothyng*' (p. 292, l. 3 from the bottom). In some cases a capital letter is used where there is none in the original, and *vice versâ*. These minute particulars are scarcely deserving of notice.

The chief object of this investigation being to ascertain the authenticity of the materials which have come into the editor's hands, his competency to deal with them, and the integrity with which he has discharged his duty in the publication of them, nothing more would seem to be required than to certify that, in the best judgment and belief of the person deputed to confront the printed text with the original letters—scrupulous care, general accuracy, and adequate skill are manifested in the labours of the editor; that the materials employed bear the marks of unquestionable authenticity; and that they have been honestly and efficiently produced in the publication now under judgment. So far as the portion which has fallen to my share for collation enables me to form an opinion, I have no hesitation in declaring my judgment and belief to be that the letters and materials are authentic, and that they are well and honestly edited.

WILLIAM HARDY.

Duchy of Lancaster Office,
5th February, 1866.

IX.—LETTERS I. TO VIII. HEN. VII.

I have collated carefully eight of the original Paston Letters, with the transcripts as printed by Sir John Fenn (or prepared for the press by him), vol. v. pp. 310—340, and beg to offer the following brief remarks on them :—

1. It is evident that the transcriber employed by Fenn was very unskilled in the orthography of the period, and in the system of writing by which certain syllables and final letters were expressed by marks of contraction. He therefore omits these marks altogether, or errs in expressing them by letters inadequately, or falsifies the orthography.

Thus, "*myn*," "*which*," "*help*," he transcribes "*myn*," "*which*," "*help*," omitting the final *e*. In some cases this gives us impossible forms, as "*justic*," "*cuntr*," he transcribes "*justic*," "*cuntr*." The final *e* (*es*) he represents always by "*s*," so that "*kyngē*" (*kynges*), "*yere*" (*yeres*), &c., he writes "*kyngs*," "*yers*," and, still more erroneously, "*costē*" (*costes*) he copies "*cost*;" "*comawndmētē*," "*comawndmētȝ*," he writes in the singular, "*comawndment*,"

which leads Fenn into the same mistake. The final contraction ⁿ (*er*) he expresses wrongly by "r," as "Walt, wynt" he makes "Walt," "wynt," and "pson'" (parsons), he represents by "prson," "p'son'es" (prisoners), by "p'sones," and "s'u'unt" (servauntes), by "s'vants." In one instance, the word "better" at length, is transcribed as "bett'."

2. The transcriber often made small errors, by substituting one letter for another, &c. Thus we find as follows:—

| | <i>Original.</i> | <i>Transcript.</i> |
|--------|------------------|--------------------|
| No. 1. | "leve" | "live" |
| 2. | "bellside" | "bellside" |
| | "suaunt" | "servant" |
| 3. | "othir" | "other" |
| | "betwixe" | "betwix" |
| | "ner hadde" | "nor hadde" |
| | "Northwich" | "Northwith" |
| 4. | "be" | "by" |
| 5. | "gaole" | "gale" |
| 6. | "vnto" | "onto" |
| 7. | "off" | "of" |
| 8. | "so moche" | "so meche" |

3. The above faults do not at all affect the sense, but there are others which do; and it is remarkable that in most instances they are *corrected* by Fenn in his modernized copy, although left untouched in the transcript. For example:—

| | <i>Orig.</i> | <i>Transcript.</i> | <i>Fenn.</i> |
|--------|------------------|---------------------------|--------------------|
| No. 1. | "cosyn' yo' wyf" | "yo' wyf" <i>left out</i> | "cousin your wife" |
| 3. | "in" | "on" | "in" |
| | "this cuntre" | "the cuntre" | "this country" |
| | "makith me" | "makith one" | "maketh me" |
| | "theise" | "theire" | "these" |
| 5. | "may knowe by" | "may knowe he his" | "may know by" |
| | "his tepet" | "by his tepet" | "his tippet" |
| | "atte" | "oute" | "at" |

4. The transcript is sometimes perfectly correct, and Fenn has fallen into error. Thus we find:—

| | <i>Transcript.</i> | <i>Fenn.</i> |
|--------|--------------------------------|--|
| No. 1. | "ther exceded not iii." | " <i>they</i> exceeded not three" |
| | "mees meet" | "proper messes [<i>query</i> his rendering of <i>meet</i> ?]" p. 311. |
| 5. | "do with hym" | " <i>have</i> with him," p. 329. |
| 7. | "3 ^e were mette at" | " <i>ye were at</i> ," p. 339. |

5. It is perfectly obvious that these corrections and errors prove the *entire good faith* of the editor, Sir John Fenn; but, as the Original Letters speak for themselves, the objections that have been raised against their genuineness seem scarcely to require minute refutation.

F. MADDEN.

British Museum, Department of MSS.,
11th January, 1866.

X.—LETTERS IX. TO XVI. HEN. VII.

I have to thank the Council of the Society of Antiquaries for allowing me to inspect the manuscript originals of the fifth volume of the Paston Letters, and placing one bundle of them in particular under my examination. I have collated them with the printed copies as carefully as I was able to do, and can only add my testimony to that of others who have reported on the subject, as to the apparent honesty and carefulness with which Sir John Fenn has performed his office.

I noticed also, what has been observed on by others, a few instances of carelessness in the transcriber or printer, on the leaf purporting to give an exact copy of the originals, one or two of which were apparently corrected in the less exact copy on the opposite leaf; *ex. g.*, "moder," wrongly printed "modyr," at the end of Letter x. The signature to Letter XIII., printed "Oxenford" on both leaves, should be "Oxynford." Letter xv. p. 360, "5 and 6 hundred" wrongly for "5 or 6 hundred": corrected in the opposite leaf. I am not sure that the fancy name of the rebel leader in the seditious proclamation at the end of Letter xv. is correctly given as "Hobbe Hyrste" (p. 364). Letter XVI. p. 368, last line but two, "nō other remedy" is printed "no other remedy." I think the mark over the letter "o" probably signified "none."

I have thought two little circumstances worthy noting, in case further attention is directed to the subject.

Letters IX. and x., subscribed Elizabeth Brews, seem to me not in the same handwriting. Letter IX is in a rough hand; Letter x in a clerk-like one. Perhaps the lady employed an amanuensis for the second; or it is only a copy; or possibly, for reasons of her own, she employed the help of some one else for each. The fact is not noticed by the editor, both being simply noted "autograph."

On Letter xv. there is an indorsement in Latin in very faint ink, which reads "Lra Willi Paston filij junⁱ Johis Paston ari ac Svien' comite Oxon." This is not noticed by the editor. I observed no similar indorsement on any other in my bundle.

H. MERIVALE.

India Office,
Jan. 18th, 1866.

XI.—LETTERS XVII TO XXIV. HEN. VII.

The letters appear to have been carefully transcribed, but without allowance for the contractions or the indications of the final *e*. If these were noticed by the transcriber, they were disregarded by the printer. There are several trivial errors, but they may generally be attributed to the printer rather than the transcriber.

LETTER XVII.

P. 372, read "pursivants"
 "dowe"
 "garisond."
 P. 374, "of Hartford."
 In postscript, "tydinge."

LETTER XVIII.

At its head, "IHC XPC."
 "worshipful."
 I think the name is "Walter," not "Walker."
 "xxvij."

In regard to the seal of Bishop Sherwood, Sir John Fenn (who drew it himself for the facsimile) was widely mistaken.

It is clearly a wyvern lying under a tree.

LETTER XIX.

Perfectly correct.

LETTER XX.

"wheys," should be "whoys."

LETTER XXI.

Read, "a Bower,"
 "stomaker (?)" read as "shoemaker" by Sir John Fenn.
 "Scoteman," i.e. "Scotesman," not "Scothman."
 "Sherefhoton" in the date.

LETTER XXII.

 "bothe pties."
 The signature is apparently
 "n E n."

LETTER XXIII.

There is no signature of the King at the head, nor any of the Earl of Oxford at the foot.

These were supplied by Sir John Fenn from other papers, this document being a contemporary copy of the letters of the King and Earl of Oxford, not the originals.

JOHN GOUGH NICHOLS.

XII.—LETTERS XXV TO XXXII. HEN. VII.

For the collation of these letters, see No. I.

XIII.—LETTERS XXXIII TO XL. HEN. VII.

I have collated the originals of these eight letters with what may, for the sake of distinction, be called the literatim copies of them, printed in Vol. V.

Almost every line shows that neither the editor (Sir John Fenn) nor his amanuensis understood the precise signification of some of the common marks of contraction; such, for example, as those for the final *e* (which is generally omitted in the letter-press), and that for the plural in *is* or *es* (which is generally printed *s*). The over-line too, indicating an omitted *m* or *n*, is often wanting in the copies, though the *m* or *n* has not been supplied; and in some other cases the marks of contraction are omitted without the words being extended. Some words evidently were misread, but most of these, though not spelt as in the originals, are substantially the same in the copies. There are, as might be expected, some questionable readings; and occasionally a mark of contraction is printed where there is none in the original. A few instances occur of a word or two being unintentionally omitted. In one case, I observed a letter omitted in a word in the original, has been supplied in the copy; and where a word is repeated in the original, the copy has it only once.

Some of these various deviations from the originals are, no doubt, errors of the transcriber for the press, which escaped the eye of the editor. There are also errors of the press, I think, apparent. It is remarkable that, not only these errors, but also those of the transcriber of the literatim copies, are often in substance, though not literally, corrected by the modern version, even to the extent of supplying words inadvertently omitted. From this I infer that the modern version was not made from the literatim copies, but from other copies or the originals, and in all probability by Sir John Fenn himself, in whose handwriting the MS. of it is, in the Preface, said to be. My impression is that the literatim copies were never very carefully compared with the originals.

There are in the originals some contemporary interlineations and erasures with the pen, but in the copies the former are not distinguished, nor the latter noticed.

At the back of letter 33 are four short lines, which are not given in the printed text; they immediately precede what is printed as a Postscript; but they are not of any importance, being apparently heads of what the writer intended to communicate. "*Barton*," in that Postscript, should have been "*Bacton*," as it clearly is in the original.

From what has been said, it will be understood that the printed copies are, with few exceptions, substantially correct; and that, as to the *matter*, the modern version is the more accurate. It is evident that Sir John Fenn must have bestowed great care on them, though he was not quite

equal to his self-imposed task, according to modern notions as to the qualifications required for such an undertaking. Neither in the original letters, nor in the copies printed, have I met with any indication or trace of intentional falsification, or of any dishonesty of purpose.

Above the printed literatim copy of the Document No. 38, (which is not a letter, but an award,) are the words "Est Bekh'm thadward." No such words are on the original produced, nor indeed any heading or indorsement except a modern indorsement. Most likely there were duplicates of that award, and that the other part came into Sir John Paston's possession when he paid the money mentioned in it. If so, that part may have had on it the words above quoted, and the copy may have been made from it. If this were not the case, those words are an unauthorised addition; it may have been thought fit, for the sake of uniformity, to give the copy a heading; and one in archaic form and spelling may have been considered more in keeping than a heading in modern language. If such were the fact, the addition was certainly very injudicious.

I will only add that in letter 37, line 6 from below, the words "bothes dowter" (an interlineation) have been misread "both and dowter," and this is not corrected in the modern version.

These details, however unsuitable for the General Report, will, I think, make known the result of my collation of the above-mentioned eight letters, more intelligibly than would any general remarks that I could make upon them.

WESTON S. WALFORD.

January 8th, 1866.

V.—*Message from King James I. to the Earl of Somerset, in the case of Sir Thomas Overbury, sent on the 29th of December, 1615, through Sir George More, Lieutenant of the Tower: communicated from the Manuscripts at Loseley by JAMES MORE MOLYNEUX, Esq. F.S.A.*

(Read March 1st, 1866.)

On Friday the 29th of December the King his Ma^{ties} sent for the Lieutenant of the Tower, and in his Ma^{ties} w^drawing chamber sayed unto hym—

I wold have yo^u to tell yo^r prisoner that I am sory to see that he continues still to take the wrong course to his owne hurt in this buisines, as he hath don sins the beginning of it. For whereas I have appointed Commissioners to examine hym, and to deale in all matters concerning the case of S^r Tho. Overbury; the Duke of Lenox being one, a noble man of myne owne blood, and alwayes a frend well affected to hym; the Lo. Chauncelo^r the second, a grave and a wise man, a counsello^r and a great officer well deserving in the place of justice w^{ch} he holdes; the Lo. Zouch the third, an auncient Baron, and a mā voide of all partialitie; and the fowrth the Lo. Chief Justice by his place; he hath refused by them to make knowen his desires unto me, and, pretending that by the Lo. Knollis, and the Lo. Hay, he would communicate matter of great importans unto me concerning my servises, fit for me to know w^{ch} speede, and that neither of the criminall nor civill part of the cause for w^{ch} he is restrained, nor of anything thereunto belonging he wold speake unto them; his speeche nevertheles to them was onely of that cause, and not of any other matter worth the speaking of, wherein he did nedelesly abuse me, offer wrong to those Commissioners, and therby did hurt to hym self. And whereas he sayeth that I have delt rigorously wth hym in committing hym to the Tower, there to be a close prisoner, not being convicted or accused of treason, where the custome hath bin to committ persons of his quallitie to som such place as Yorke Howse or som gentleman's keeping, and not to such a prison as the Tower is; to this I say that, for matter of contempt, and suspicōn of light offences, it hath bin the custome to committ men of his quallitie to such a place as Yorke Howse, as was don in the case of the late Erle of Essex. But that is not his case; the offenses for w^{ch} he is in question is a murther of the

fowlest kinde, neere approching unto treason (he that was murthered being my prisoner), and the proofes against hym alleaged by the Commissioners very pregnant, in so much that at my being at Roiston I was informed there was a great murmure amongst the people that justice was stayed, in that he was not sent to the Tower; and alsoe the Privie Counsell had an inclinaçõ (as I understood by diverse of them) to committ hym to the Tower, if I wold give them leave, bicause they thought the Commissioners durst not; w^e I wold not permit; so that neither by me nor my direction he was committed to that place, but by the Commissioners to whome I had committed the examinaçõ of the case of S^r Tho. Overbury, leaving it to them to bayle or to commit, as they shold finde cause according to the course of justice, who, after due examinaçõ of hym and of the cause, found the suspiçõ against hym so vehement, and the proofes so pregnant, as that holding the course of justice, the cause itself did enforce them (as they say) to commit hym to the Tower, he having givẽ great cause of suspiçõ against hym self, when, by his tres or warrant to make search *for the writings*^a of one M^{rs} Hyde, he had taken the tres of Turner and others. So as his commitment to the Tower was the act of the commissioners, and not myne; w^e by them being don according to justice, and for matter of prooffe not to be made knowẽ before hand to me, I might not resist, especially considering howe the coñon people had expressed their joye for the justice don against Weston, sayeng that the King shold have subsidies and whatsoever he wold require; that the bells had bin ronge thoroughe out all the citie; and that the Lo. Maio^r and the Aldermẽ by the Recorder had signified to me the great comfort they receaved in the justice don, acknowledging their great happines in living under the goverment of such a King, and wold them selves have come unto me to give me publick thanckes, if I had not forbidden it. If therfore I shold have stopped the course of justice against hym in this case of Overbury, who was committed to the Tower, and there kept a close prisoner by my coñiaundment, and cold not have bin so murthered if he had not bin kept close, I might have bin thought to be the aucthor of that murder, and so be made odiousse to all posteritie. Neither hath he cause to thinck hym self rigorously delt w^t in being sent to the Tower, to w^e place many great persons have bin coñmitted for felony, and, afterwarde appearing to be cleere, have bin set at libertie w^out disgrace.

Nowe concerning my tres, of w^e he sayed to the Lo. Knollis, and the Lord Hays, that he had given some to S^r Ro. Cotton to be delivered to me, and som

^a "In the hous" was first written, but erased, and the other words substituted.

he had kept to deliver unto me hym self; S^r Ro. Cotton hath confessed that he delivered them unto hym to be kept, and to be redelivered to hym selfe, if he shold live; or otherwise, if he shold miscary, then to be givē to me, w^h tres being by S^r Ro. Cotton delivered to a womā, the same have bin taken and brought to me; whereas if his meaning had bin to have sent me those tres, he might have sent them unto me when first he was restrained to his chamber, or when he was in the custodie of S^r Olliver S^r John, or after that he had bin examined by the Lordes and was in the Tower, in causing them to be sealed up and sent to the Lordes to be delivered unto me.

As for the other tres w^h for poisons and antidotes he wrote to Inglesse, I never herd of them, until three or fower dayes after he was in the Tower, and finding it to be but an idle tale, and to have no good grounde, I made noe accompt thereof. And concerning the castyng of my nativitie w^h he sayes he first discovered unto me, yo^u may say unto hym, that I remēber he told me something of the casting of my nativitie by Inglesse, but that myne was cast by Inglesse I never herd of it sins by any body, neither doe I beleve that he did cast my nativity, but onely my eldest sonne that is w^h God, and of that I neither did nor doe make accompt, neither needes he thinck that for that he shall be called to accompt.

The next part of his message is a desire first for his wife, that she might not be brought to an open triall, but that she might be kept in som private corner all the dayes of her life, sins she is the mother of a child; to w^h I say that his desire is unseasonable, untill it shall appeare whether she be cleere or guiltie; if she be cleere he needes not feare to have her tried, and if uppō doubtfull proof she shall be found guiltie, and her offens not appeare to be manifest, I shold be unwilling to suffer the lawe to be executed against her, for it might be in that case as in the case of one whose dagger was found sticking in the body of a man that was murdered, and yet the murder was not done by hym, but by another who had borrowed and taken the dagger. But if it shall plainly appeare that she is very fowle, as is generally conceived and reported that she is, as being the author and procurer of that murder, then I thinck justice may not be stayed, and he shold have just cause to be glad that he is freed from so wicked a womā. Therfor if she be innocent he needes not feare, and if she be so fowly guiltie as is alleged, humble confession of her fault, both to God and the King, must preceede the pleading for pdon. As for hym self there is no cause why he shold desire not to come to triall if the proofes be so pregnant that they require it, for being innocent uppon triall he will be cleered, and so being justified shall receive noe

disgrace, as w^t many great psons it hath fallen out w^e have bin committed to the Tower and being tried have bin cleered for the like offenses. But if he be guiltie (as God forbid) then must he take a course by his humble confessiō to pleade for mercy, I being to followe the example of Almighty God, who doth not forgive sinnes untill they be confessed and sorrowed for, noe more can I shewe mercy where innocency is stood uppō, and the offenses not made knownen by confessiō unto me; and if he shold be convicted by lawe, he needes not take such a desperat resoluçō as rather to give cause to die then live after it, for that many have bin convicted of felony w^{out} accompting it so great a disgrace unto them; but indeed if he shold be convicted of treason and ingratitude against my person, then I cold not blame hym to accompt his convictiō in that nature worse than a thousand deaths unto hym.

And whereas he desires me to acquaint hym beforehand w^t the thinges that ar to be layed to his charge, besides that it is so farre against the consciens and hono^r of a King to doe it, it is altogether impossible for me so to doe, althoughe I had never so good a will to doe it, for the chief justice refuses absolutely to serve in his place, as I told hym self at Roiston, if I shall be acquainted w^t any articles concerning blood, before the partie come to his publick triall, and I hope he wold not have me thought to be a conspirer w^t hym or any mā for the eluding of justice.

Lastly yo^r shall say unto hym that if hereafter he shall desire to moove any matter for favo^r I will that he make the same knowē by the Lo. Commissioners unto me, who ar as well to be used as meanes of favo^r for hym as they have already used som pointes of rigor as he conceaves it towards hym, and that he seeke noe other meanes wherby to informe me wherein he shall doe wrong to those Lordes, and give them occaçō to thinke the worse both of hym and of his cause, assuring hym that by their meanes his sutes shall be more acceptable to me then by any other.

(*In dorso.*) This is Sr George More's own
hand writing when he was
Lieut. of the Tower in
King James the First time.

VI.—*Review of the evidence respecting the conduct of King James I. in the case of Sir Thomas Overbury: by JAMES SPEDDING, Esq. M.A. in a letter to C. Knight Watson, Esq. M.A. Secretary.*

(Read March 1st, 1866.)

MY DEAR WATSON,

The document which has recently been discovered by James More Molyneux, Esq. F.S.A. amongst the extensive collection of manuscripts at Loseley, containing a complete and authentic report of a message sent by King James I. to the Earl of Somerset on the 29th of December, 1615, is a valuable addition to the four letters printed in the *Archæologia*,* nearly fifty years ago, from the autographs in the same collection. Those letters were written to Sir George More, between the 9th and 24th of May, 1616, just before the trial; and there is another at Lambeth (not an autograph, but I suppose a true copy) addressed to Somerset himself in the preceding October, just before the committal. This new document gives us conclusive evidence as to the relation in which the King stood towards him in the middle stage of the proceedings, about half-way between those dates; and makes the history of it so clear and complete that no room is left for any further doubt about it. It appears therefore to be a fit occasion for collecting and reviewing the whole of the evidence bearing upon that point, of which we have now a great deal, when all is brought properly together; and of a kind too which is entitled not only to consideration but to precedence, as being better evidence than those who first told the story had access to, and such as they would themselves have preferred if they had had it. For it must be remembered that the writers of what passes for the secret history of James the First's reign were not acquainted with the true records of it. The real "secret history" is to be found in the official correspondence which passed in the course of business between those who transacted it; correspondence which they never saw, but which (or at least a great deal of it) we can see.

Instead, therefore, of taking the old story for a ground-work and trying to fit the new facts into it, I propose to approach the question the other way: to begin

* Vol. xviii. p. 313.

by setting aside for the time every fact which rests upon the report of writers whose information came from doubtful sources, and admitting those only about which there appears to be no doubt; to ascertain first what we can be said to *know* about it, and then consider what else we are to believe. In this, however, I shall confine myself to those parts of the proceeding in which the King was personally concerned. The evidence against the several persons charged with the murder of Sir Thomas Overbury was publicly set forth and brought to a judicial issue at the time, and this new paper throws no fresh light upon it. The evidence against the Earl of Somerset especially, was hunted out with the greatest diligence, studied and sifted with the greatest care, and set forth with the greatest skill and clearness; and though no official report of the trial was published, and the reports we have are all more or less defective and inaccurate, they are among the best of their kind, and probably the best that were made. It is not likely, therefore, that any new evidence will be discovered by which the aspect of his case, at it is seen in the State Trials, will be materially altered. Not so with regard to the charges against the King; charges not only not sifted by judicial process at the time, but not made or thought of till long after the time when any sifting was possible. Evidence materially affecting the aspect of these may turn up at any time, in any box or closet in which the secrets of those days have been placed for safety or found a resting place by chance.

Before I come to the particular case, it may be worth while to go back a little, for the purpose of exhibiting a piece of evidence which, although it has been accessible to all readers for the last twenty years, will probably be new to many, and the true bearing of which upon these questions does not appear to have been understood.

The discovery of the murder of Overbury happened to coincide in point of time, very nearly, with the appearance of a new favourite at Court. The rise of a new favourite was of course supposed to prelude the fall of the old; and when Somerset was seen to be called in question, for some cause not yet divulged, the inference of the Court of course was that the King was seeking a pretext for getting rid of him. And though the cause, as soon as it became known, amply explained and justified all that been done, and inconstancy in his personal attachments was not one of James's weaknesses, the hasty inference, having fallen upon ground so favourable, took root and grew; and is now a part of the story. It is of some consequence, therefore, to know how the case really stood in that respect; and it so happens that a letter from James to Somerset, written not many months

before, has been preserved, and enables us to answer the question. It was first printed in 1846 in Mr. Halliwell's 'Letters of the Kings of England,' from a manuscript at Lambeth Palace, which I have seen; a copy in an old hand, which appears to have come to that repository from some one who had guarded it as a secret treasure,—having been found (according to the docket) "in the black boxe signed with that seale w^{ch} Sir Tho. Maye brought." It has no date, nor any mention of the person to whom it was addressed. But of the person there can be no question; and incidental allusions to two several subjects, which are *both* known to have been fresh, prominent, and irritating in James's mind in January 1614-15,—*"Peacham's Book"* and *Raleigh's History*,—leave little room for doubt that it was written about that time or not long after. Though it is long, I must give it entire; partly because, when we want to know the state of a writer's feelings, extracts are seldom satisfactory, and partly because it is important enough to be worth preserving in a correct copy.

"First I tak God the searcher of all hairts to recorde that in all the time past of ydle talk I never knew, nor could out of anie observation of myne find anie appearance of anie such court faction as ye have apprehended; and so farre was I ever from overseeing or indirectlie feeding of it (if I had apprehendit it), as I protest to God I would have runne upon it with my feete, as upone fire, to have extinguished it, if I could have seene anie sparkle of it. As for your informations, ye dailie told me so many lyes of my self that waire reported unto you, as I confesse I gave the lesse credit to your reporters in other things, since ye could not be an eye wnesse of it yourself. Next I tak the same God to record that never man of anie degree did directlie or indirectlie lett fall unto me anie thing that might be interpreted for the lessening of your credit with me, or that one man should not rewle all, and that no man's dependance should be but upone the King, or anie suche lik phrase, quhiche if I had ever found, then would I have besturred my self as became both so great a king and so infinitelie loving a maister. Thirddie, as God shall save me, I mente not in the letter I wrotte unto you to be spairing in the least jote of uttering my affection towards you, as farre as yourself could requyre; my differing frome your forme in that pointe being onlie to follow my owne style, (w^{ch} I thought the comeliest): so as then having delivered my mynde as fullie to Maye as ye could have wished,—having wretten this letter,—having quyte turned my countenance from Grahme, the lyk whairof I never did to any man without a knowin offense,—I having receaved your nephew in my bedde chamber, the facon thairof being done in a needlesse braverie of the Queene, I did surelie expect that the ydle talk would weare out lyk the Pope's

cursing (especiallie seeing my owne hairet knew it to be without a grownde). For I am farre from thinking of anie possibilitie of any man ever to come within many degrees of your truste with me, as I must ingenuously confesse ye have deserved more trust and confidence of me than ever man did,—in secrecie above all fleshe, in feeling and unpartiall respect, as well to my honour in everie degree as to my profite; and all this without respect ather to kinne or allye or your neerest or deerest freind quhatsoever, nay onmoveable in one haire that might concerne me against the quhole world; and in these points I confesse I never saw anie come towards your merite; I meane in the points of ane inwardlie trustye freind and servant. But as a peece of ground can not be so fertill but if ather by the owin naturall rankness or evill manuring thair of it become also fertill of strong and noysome weedes, it then proves uselesse and all together unprofitable, even so these before rehersit worthie and rare pairts and merites of yours have bene of long tyme, but especiallie of late, since this strange phrenesy took you, so poudred and mixed with strange streames of unquyetnes, passion, furie, and insolent pryde, and (quhich is worst of all) with a settled kind of indured obstinacie, as it choks and obscures all these excellent and good pairts that God hath bestowed upone you. For although I confesse the greatnesse of that trust and privacie betwix us will verie well allowe unto you an infinitelie great libertie and freedome of speeche unto me, yea even to rebuke me more sharpelie and bitterlie then ever my maister durst do, yet to invent a new art of railing upone me, nay to borrowe the tounge of the devill, in comparison quhair of all Peachem's book^a is but a gentle admonition, that can not cumie within the compasse of anie libertie of freindship. And do not deceave your self with that conceat that I allowed you that sort of licencious freedome till of late. For as upon the one pairt it is trew yee never passed all limites thairin till of late, so upone the other I bore, God Almighty knowis, with these passions of yours of olde, dissembling my greif thairat, onlie in hope that tyme and experience wold reclame and abate that heat quhich I thought to weare you out of by a long suffering patience and manie gentle admonitions; but the circumstances joynd to the^b maid them relish ten tymes worse to my taist then otherways they wold have done if they had onlie remained in puris naturalibus of passions. For first, being uttered at unseasonable houris and so bereaving me of my reste, ye was so

^a "There is now one Pecham, a minister of Somersetshire, in the Towre for that and a worse quarrell, having written seditious discourses under colour of petitions to the last parlement," &c. Chamberlain to Carleton, 5 Jan. 1614-5. (S.P.O.)

^b So MS.; a word has apparently been omitted: perhaps "same."

farre from condemning your owin indiscretion thairin, as be the contrarie it seemed ye did it of purpose to greive and vex me. Next, your fyrie boutades were coupled with a continuall doggit sullaine behaviour towardes me; especiallie shortlie after my fall, though I gave you a farre contrarie prooffe after your fall, and in all the tymes of your other diseases. Thirdlie, in all your dealings with me ye have manie tymes uttered a kynd of distrust of the honestie of my freindship towards you. And fourthlie, quhich is worst of all, and worse then anie other thing that can be imagined, ye have in manie of your madde fitts done quhat ye can persuade^a me that ye meane not so muche to hold me by love heirafter as by awe, and that ye have me so farre in your reverence as that I darre not offende you or resiste your appetites. I leave out of this reckoning your long creeping bakke and withdrawing your self from lying in my chamber, notwithstanding my many hundreth tymes earniste solliciting you to the contraire, accounting that but as a point of unkindnesse. Now whether all your great pairts and merites be not accompanied with a sowre and distastefull sawce, yourself shalbe juge. Consider likeways of the difference of the things that ye laye to my charge and that I lay to yours. Heir is not he said and shee said, no conjecturall presumptions, noe things gathered out of owtward appearance. I chaarge you with no thing but things directlie actit or spoken to my self. I wishe at God thairfore, and I shall both pray for it and hoape it, that ye may mak good use of this litle mirroure of yourself quhich heirin I present unto you; it is not lyk Sir Walter Rallies description of the kings that he hates, quhomof he speaketh nothing but evill;^b for this layes plainlie and honestlie before you both your best and worst pairts.

"To conclude then this discourse proceiding frome the infinit greif of a deeplie wounded hairt, I proteste in the presence of the Allmightie God that I have borne this greif within me to the uttermost of my abilitie; and as never greif since my birth seized so heavilie upone me, so have I borne it is long as possiblie I can; nather can I beare it longer without committing ane unpardonable sinne against God in consuming my self willfullie, and not onlie my self, but in perrilling thairby not onlie the good estait of my owne people, but even the estait of religion through all Christendom, quhich all most quholie under God lyes now upone my shoulders. Be not the occasion of the hastening of his death

^a So MS.

^b "Sr Walter Raleigh's booke is called in by the Kinges commandment, for divers exceptions, but specially for beeing too sawcie in censuring princes." Chamberlain to Carleton, 5 January, 1614-5. (S.P.O.)

through greif, who was not onlie your creator under God, but hath manie a tyme prayed for you, quhich I never did for no subject alyve but for you. But the lightening my hairt of this burden is not now the onlie cause that maks me preasse you indelayedlie to ease my greif; for your owne furious assaults of me at unseasonable houris hath now made it knowen to so manie that ye have bene in some crosse discours with me, as thair must be some exteriour signes of the amendment of your behaviour towards me. These observations have bene maide and collected upone your long being with me at unseasonable houris, lowde speaking upon both pairts, and thair observation of my sadnes after your pairting, and want of reste.

"Quhat shalbe the best remedie for this I will tell you by tounge. But for the easing of my inward and consuming greif, all I crave is that in all the words and actions of your lyf ye may ever mak it appeare to me that ye never think to hold grippe of me but out of my meere love, and not one haire by feare. Consider that I am a freeman, if I waire not a king. Remember that all your being, except your breathing and soule, is frome me. I told you twyce or thryce that you might lead me by the hairt and not by the nose. I can not deall honestlie, if I deal not plainlie with you. If ever I finde that ye think to retaine me by one sparkle of feare, all the violence of my love will in that instant be changed in^a as violent a hatred. God is my juge my love hath been infinit towards you; and the onlie strenth of my affection towards you hath maid me beare with these things in you, and brydle my passions to the uttermost of my abilitie. Lett me be mette then with your entyre hairt, but softened with humilitie. Lett me never apprehende that ye disdaine my persone and undervalue my qualities; and lette it not appeare that any pairt of your former affection is cooled towards me. A king may slakke a pairt of his affection towards his servant upone the pairties defaulte and yet love him; but a servant can not do so to his maister, but his maister must haite him. Hold me thus by the hairt; ye may build upone my favour as upone a rokke that never shall feall you, that never shall wearie to give newe demonstration of my affection towards you; nay, that shall never suffer anie to ryse in anie degree of my favour, except they may acknowledge and thank you as a furtherer of it, and that I may be persuadit in my hairt that they love and honour you for my saik (not that any living ever shall come to the twentie degree of your favoure). For although your good and hairtlye humble behaviour may washe quyte out of my hairt your bypast errors,

^a So MS.

yet shall I never pardon my self, but shall carie that crosse to the grave with me, for raising a man so hye as might mak one to presume to perce my cares with such speeches.

"To make ane end then of this displeasing discours, think never to value your self to me by any other merites so much as by love and hairtlie humble obedience. It hath ever been my common ansour to anye that wolde pleade for favour to a Puritane minister by reason of his rare giftes, that I had rather have a conformable man with but ordinarie pairts, than the rarest men in the world that will not be obedient; for that leaven of pride sowres the quhole loafe. What can or ever could thus trouble your mynde? For the exteriour to the world, what can any servants exspect of their prince but countenance or reward? Do not all court graces and places come through your office as Chamberlane, and rewards through your father-in-lawe's that is Thesauraire? Do not ye two (as it waire) hedge in all the court with a manner of necessitie to depende upone you? And have ye not, besydes your own infinite privacie with me, together with the manie offices ye possesse, your nephew in my bedde-chamber, besydes another farre more actif than he in court practises? And have ye not one of your nerest kinsmen that loves not to be ydle in my sone's bedde-chamber? With this shuld ye have silenced these newes-bringers and makers of frayes. For no other thing is left behind but my hairt, quich ye have nather cause to doubte, nor, if it did need, could they counsell or advyse you how to helpe.

"Thus have I now sette down unto you quhat I wold say if I waire to mak my testament; it lyes in your hand to mak of me quhat you please, either the best maister and trewest freind, or, if you force me once to call you ingraite, quich the God of Heaven forbidde, no so great earthlie plague can light upone you. In a word, ye may procure me to delyte to give daylie more and more demonstrations of my favours towards you, if the faulte be not in your self."

Here, as it seems to me, we have both a sufficient explanation of the origin, and a clear proof of the error, of the rumours which were beginning to prevail at Court. Somerset had begun to abuse the authority which he possessed over the King's affections. He had become imperious, insolent, violent, jealous, and exacting. His behaviour had provoked angry and passionate expostulation; of

* Lambeth MSS. 930, 90. Docketed, "ADRIAN MOORE, JHONNE HOLLAND. These three letters weare in the black boxe signed with that seale wth Sir Tho. Maye brought." The MS. is not divided into paragraphs.

which the courtiers had heard enough to show that there was a quarrel of some kind. And so far they were right. But if they thought that it arose from a cooling of affection on the King's side upon the transfer of it to a new object, this letter affords good proof that they were wrong. For this is not the language of an affection wearied of itself and seeking occasion to escape from its bonds, but of one painfully alive, passionately loyal, bitterly resenting the inadequacy of the affection with which it is requited, and earnestly desiring to be restored to its former condition. If the love was cooling, it was clearly not on the King's side that the process was beginning. And indeed if he had really wished to find a pretext for withdrawing his favour from Somerset, what more did he need than the conduct which provoked this letter? Instead of imploring him so beseechingly to be again what he used to be, why did he not simply let him understand that the favour he had enjoyed had been abused and forfeited, and was withdrawn?

Nor did anything occur between the writing of this letter and the discovery of the murder of Overbury which belied the professions in it. Somerset continued to be as great a man as ever in all outward conditions;^a except the opinions of the courtiers, who, knowing that there had been a quarrel and seeing a new man rising rapidly in favour, began to look for a change. Whether such a change would have come at all, how soon, and with what circumstances, had things gone on in their ordinary course, nobody can ever know. Changes of the kind were more than once confidently expected and predicted during James's reign, which never came to pass. But the discovery of the murder utterly altered the case. And we have now to inquire how the King entertained that discovery, and what measures he took upon it.

Setting aside then (for the present) rumours, speculations, and anecdotes of doubtful authority, I shall begin by stating what we may be said to *know* about this.

Sometime in July 1615 Sir Gervase Hellwysse, Lieutenant of the Tower, hearing from the Earl of Shrewsbury (who had heard it from Secretary Winwood) that Sir Thomas Overbury was suspected to have died by violence while under his charge, volunteered a statement to Winwood; in which he admitted that there had been a *design* to poison Overbury by the hands of Weston, the under keeper,

^a For the relation between him and the King as late as the 20th of August, see Mr. Gardiner's copy of Gondomar's despatch, Oct. 30, 1615, which I had not seen when I wrote this.

but asserted that he had himself detected, dissuaded, and taken means to prevent, though he had not revealed it.

This Winwood reported to the King; whose first act was to require Hellwysse to set down his declaration in writing.

The declaration which in obedience to this command Hellwysse drew up is dated 10 September, 1615, and is still to be seen among the State Papers. It admits not only that he had himself discovered the intention of Weston to poison Overbury, but that he had since heard from Weston that Overbury was really murdered, and that it was done with a clyster, administered afterwards by an apothecary's boy, who had been bribed. The only actor in the business that he knew of, besides Weston, was (he said) one Mrs. Turner; who, as soon as she heard that the case was likely to be inquired into, had sent Weston to sound him and find out how much he knew, and what part he was likely to take. But though he did not in this statement mention the Earl or Countess of Somerset as directly implicated, it seems that in his previous communication to Winwood he had excused his own silence as proceeding from fear of "impeaching or accusing great persons;"^a and an admission in his present declaration that though he had "set down the whole truth," it was "peradventure not the whole truth," would naturally be interpreted as referring to Somerset.

Upon this the King, who does not appear to have heard of the rumour before, referred the matter to "some councillors," with the following general instructions for their proceeding:

"There are two things in this cause to be tried, and the verity can be but in one of them: first, whether my Lord of Somerset and his lady were procurers of Overbury's death, or that this imputation hath been by some practised to cast an aspersion upon them. I would first have you diligently inquire of the first; and, if you find them clear, then I would have you as carefully look after the other, to the intent such practices may be discovered and not allowed to pass with impunity."^b

The case upon inquiry was found to be so grave that it was thought expedient to put it into the hands of Sir Edward Coke, then Chief Justice of the King's Bench, and more practised in such investigations than any other man in England. A fragment of a letter, undated and unsigned, and without anything to indicate the address, but written in Winwood's hand, who was at that time in attendance

^a Bacon's charge against the Countess.

^b Read at the arraignment of the Countess, and the original shown to the Peers. See *State Trials*, vol. ii. p. 956.

on the King, represents, probably, the King's instructions on giving Coke the commission. They are instructions which would naturally be suggested by Hellwysse's declaration; the persons named being those indicated therein as most immediately concerned in the treatment of Overbury; Mayerne, as the physician who had prescribed for him and "left behind him directions;"* the French apothecary, as the medical man who had attended him by Mayerne's appointment; Weston, as the under-gaoler who had been detected by Hellwysse in the act of bringing food which he knew to be poisoned; Mrs. Turner, as a person with whom Weston was known to be in collusion; Sir Thomas Monson, as the man who had recommended Weston for the place of under-gaoler with special charge of Overbury; and Hellwysse himself, as the responsible officer who by his own admission had known of the attempt and not revealed it. Judging by the style, and comparing it with other drafts in the same hand, I have little doubt that it was written by Winwood from the King's dictation; and what remains of it is worth giving at full length.

* * * * *

"and whither was yt owt of hys owne meere motion or by the perswasion of any other, and yf by the perswasion of any other by whose was yt, and to what end.

"Did he ever meete wth him or heare word from him, eyther during the tyme of hys being in the Tower or any tyme sence, and to what purpose. Did he ever knowe of any mony he receaved from any, and for what use. When was the fyrst tyme that ever he heard of thys vyle busines and by whom.

"Mayerne must be asked the state of the prisonnier's body when he last saw him, and what deseases he was most enelyned unto: also both he and other physitians are to be asked the symptomes and effect of poyson, especially being geven in a glyster.

"The French apothecary ys to be asked whether he himselfe or a man of hys mynistred to the prisonnier when he was in the Tower. And yf hys man, who this was, how oft he sent him to him, and wth what phisick, especially what the last phisick was that he sent him, and yf yt was a giyster: as also he must be asked yf he had any acquayntance wth M^{rs} Turner, and what yt was, and whether he knew of any acquayntance betwixt hys man and her, and upon what occasion.

"The crowner ys to be asked what report was made unto him of the forme of the pryson^r deathe, and what marks he saw upon hys body.

* He had been sent to Bath, I believe, to attend the Queen.

"More persons may bexamined^a and more Interrogatoryes made, as yt shall fall owt in the cowrse of the examinaç.

"Th'orderly fayre cowrse in a thing of thys nature ys, that fyrst Weston be haerd tell hys owen tale, after a good admonition that ys to be geven him : yf he contrary the Lievetenant, then, after once re-examining of the Lievetenant, are they to be confronted *ante omnia* ; but yf they agree in one tale then ys Mystress Tournier to bexamined next Weston : and yf they differ, after her keeping cloase a day or towe, they towe are to be confronted, then the Lievetenant to be re-examined, then Monson, then the rest of the partyes as occasion shall requyre.

"In conclusion, thys fact and mynt must eyther be trew or not : yf both prove trewe, then ys there noe more neede of examination : yf the mint only prove trewe, then ys there severe tryall to be taken for fyndeing owt the grownd of the lye upon the fact ; but yf bothe be false, then must there be a fowle conspiracye in the busines, for the fynding owt wh'of noe paynes ys to be spared ; the punishment w'of will be the best example that ever came in my cowrt. But sence as yet the discoverye goes no further then to meane persons, the fayrer, juster, and stricter that the tryall ys, the more favour and honour yt will be to those greate persons to whom thys busines may be thought to have any indirect relation : for where innocency ys not clearely tryed the scarr of calumnye can never be clerely cured."^b

Coke, finding how deeply the evidence implicated the Earl and Countess of Somerset, thought it prudent to strengthen himself with the help of persons of higher rank than his own ;^c and upon his request to that effect the King joined in commission with him the Lord Chancellor Ellesmere, the Duke of Lenox, recently made Lord High Steward of the King's house, and Lord Zouch, recently made Warden of the Cinque Ports. The exact date of the Commission I have not been able to ascertain ;^d but I suppose it to have been early in October—certainly before the 17th. Nor can I find any record of the exact time at which

^a So in MS.

^b S. P. Dom. James I. vol. lxxxi. p. 132, A. The first sheet is missing; no signature, date, or docket.

^c Bacon's Charge against the Countess of Somerset.

^d Gondomar's despatch, Oct. 3^o, 1615, which supplies some new particulars concerning the movements of Somerset and Coke at the time the Commissioners were appointed, does not give the date. But he states that the first meeting of the Commissioners was on the 15th of October; and I have no doubt that Mr. Gardiner is right in supposing that the Commission was signed and delivered to Coke in person at Royston on the evening of Friday the 13th.

I have thought it better to add these corrections in foot-notes than to incorporate them in the text, because I did not know of this new evidence when I drew up my narrative, and if I were to introduce alterations I might make it inconsistent with itself.

Somerset was sent for as a person implicated, or any authentic record of the circumstances. But if it be true that during the earlier investigations he was attending the King on progress, being still in possession of all his honours and offices, the natural course of proceeding would be this: the Commissioners would send a special messenger to the King to say that Somerset was wanted, and beg that he might be directed to repair to London and hold himself in readiness to appear before them. And it was probably upon this occasion that the parting scene which Sir Anthony Weldon professes to have witnessed at Royston, and the particulars of which are so well known that I need not repeat them, really took place; at which time it may very well have passed in the manner described: for the King could not have treated Somerset, before he had been examined, as a guilty man,—even if he had known (which he did not*) what the evidence against him was; and yet his reluctance to go, and the style of his behaviour at the moment, may very possibly have made the King feel that there was small chance of his proving innocent; so that the words spoken by the King *immediately after the parting* may have been suggested on the instant by the parting itself.

But whatever may have been the manner of the King's behaviour to Somerset in public, the relation in which they really stood towards each other after this time is known to us on better evidence. Weldon may have described truly what he saw, but he could not then know what the occasion was; and, in connecting the scene with circumstances which he learned afterwards, he may easily have made mistakes. But among the manuscripts at Lambeth there is a copy of a letter from the King—it came in the same sealed box which contained the letter I have already quoted—without date indeed, but evidently addressed to Somerset, and evidently written soon after the appointment of the Commissioners; which shows that Somerset had vehemently remonstrated against the act, and exhibits the state of the King's feelings towards him in a manner so manifestly sincere, that it is worth quoting in full; the rather because the copy printed by Mr. Halliwell in his "Letters of the Kings of England" is in some places incorrect.

"I neid not to ansour your lettir, since Lenox hath long before this tyme told

* It would seem from a passage in the newly discovered paper as if Coke had actually objected on legal grounds to acquaint the King with the evidence: "And whereas he [Somerset] desires me to acquaint hym beforehand wth the thinges that ar to be layed to his charge, besides that it is so farre against the consciens and hono^r of a King to doe it, it is altogether impossible for me so to doe, although I had never so good a will to doe it; for the Chief Justice refuses absolutely to serve in his place, as I told hymself at Roiston, if I shall be acquainted wth any articles concerning blood before the partie come to his publick triall."

you my resolution on that pointe; quhereupon you have bestowed so much skribling and railing, covertlie against me and avowedlie against the Chancelaire. Yett can I not abstaine pairtly for satisfaction of my owne hairet, and pairtly for satisfieyng you and your allye with reason (if reasons can satisfie you), to send you these fewe observations upon your letter.

"In a bussinesse of this nature I have nothing to look unto but, first, my conscience before God, and nexte my reputation in the eyes of the quhole world. If I can find one man stricter then another in pointe of examination, I am bound in conscience to employe him in it; and when in my conscience have sett downe a course, to change it at the instance of the pairtie, without any other reason but becaus they will have it, it waire litle for my honour. That I was too faint in not resisting the superbe^a judges willfullnes, I confesse I ever was and will be faint in resisting to the tryal of murther, and as bold and earnest in prosecuting the tryal thair of. And as my proceedings frome the beginning of this bussinesse have bene onlie governed by the rewle of my conscience, as the Searcher of all hairts knowes, so must I to my great regraitte confesse and avowe that from the beginning of this bussinesse both your father in law and ye have ever and at all tymes behaved yourselfs quite contraire to the forme that men that wishe the tryall of the veritie ever did in such a cace. And how farre it is now out of tyme, after that the Chancelaire hath served me more then thirteene yeares with all honour and faithfulness, having ever been a Regaliste, to rake up from the bottomelesse pitt the tragedie of my poor mother, I appeal to your own judgment. Then quhy shuld I be thus neidlesslie vexed? This warrand stretches onlie to examination, whairin no innocent persons can gett wrong; and since the Chancelaire sees himself so suspected, is it to be thought that he daire utter any partialitie? And if ye will neid suspecte the worst (which is nather likelie nor possible), waire it not a more handsome way for my reputation that he might be privatelie advysed to be silent when he waire thaire except in yeas or noes; or ellis in regard of his aage and infirmities, and his manie bussinesses in the terme tyme, to mak his apparance but verie seldom? and so forbear to give anie opinion, as not acquainted with the course of the bussinesse. And as for the external show of my election of him in disfavour of you, first, I am sorrie the world shuld see you excepte against so grave a man; and nexte, the more severe choice I mak of persons for examination, the more it is in your favour, if honour and tryal of innocence be your end.

"Now, as to your motion in^a putting all the judges in this warrand, if ye

^a So MS.

meane for tryall in lawe, I never ment it otherways; but if ye meane for examination, it is more then absurde. And whairas ye alleadge that greate counsellors waire never employed in the examination of a thing of this nature, I say the quyt contrarie is trew, when as the circumstances or articles of the tryall may reflecte upon anie great personages; in which cace the juges daire never presume to medle without better assistance. To conclude then, I never had the occasion to shoue the uprightnes and sinceritie that is requyred in a supream juge as I have in this. If the delation prove false, God so deale with my soule as no man among you shall so much rejoyce at it as I; nor shall ever spaire, I vowe to God, on grain of rigour that can be streatched against the conspiratours. If otherwayes (as God forbidde), none of you shall more hairtelie sorowe for it; and never King used that clemencie as I will do in suche a cace. But that I should suffer a murther (if it be so) to be suppressed and plaistred over, to the destruction of both my soule and reputation, I am no Christian. I never meane wittinglie and willingly to beare anie man's sinnes but my own; and if for serving my conscience in setting downe a faire course of tryall I shall lose the hands of that familie, I will never care to lose the hairts of anie for justice saik.

"Faile not to shoue this letter to your father in law, and that both of you reid it twice over at least; and God so favour me as I have no respect in this turne but to please him in whose throne I sitte. And so fairwell; praying the author of all veritie to mak the cleare veritie to be plainlie manifested in this cace.

"JAMES R."

This letter must clearly have been written after the appointment of the Commissioners, and probably not later than the 19th of October; for had it been written later, the King could hardly have failed to allude to a proceeding of Somerset's of which he was informed in a letter from the Commissioners dated the 18th, and which had a very suspicious appearance.

On the 16th of October, Somerset, being still at large and still holding the seals of his office, sent a pursuivant, accompanied by a constable and a locksmith, to the house of Weston's son, with a warrant "to search for bonds and writings concerning Mrs. Hynde;" under pretence of which, "divers writings concerning Mrs. Turner" were seized and carried away. Mrs. Turner being at the time the King's prisoner on a charge which was under investigation by the King's Commission, the Commissioners considered this so great a contempt that they at

* Lamb. MSS. 930, 91. Docketed, "ADRIANE MOORE. JHONNE HOLLAND."

once ordered both him and the Countess to keep their several chambers, and see nobody except their own necessary servants. And when they found that, in spite of this, the very next morning Somerset had endeavoured to get a message conveyed to Mrs. Turner, they committed him to close custody under the charge of Sir Oliver St. John.

All this they reported to the King on the 18th, and the next day received a message from him signifying approval of their proceedings, and encouraging them to prosecute the business.*

On the 19th Weston was brought up for trial, but "refused to put himself upon the countrye as the lawe required, and therefore in lawe stood mute." Upon which the nature of the *peine forte et dure*, which was the alternative, was described to him, and the trial was adjourned for four days, in hope that he would think better of it. Meanwhile, that the large audience, including "some of the nobilitie and many gentlemen of great qualitie," which had gathered to hear the proceedings, might not be altogether disappointed, the Judges "thought meete . . . to have openly and at large redd the confessions of the said Richard Weston, and the testimonies of others, aswell concerninge the fact of the said Richard Weston, as the *Earle of Somersett and the Countesse*, and Mrs. Turner, without sparinge of any of them, or omitting any thinge material against them (the necessitie and course of the evidence requiringe it, for that it appeared thereby that the said Richard Weston was pcured and wagered by some of them); to the great satisfaction of the audiorie (which we might well discerne by their gesture), and to the great hono^r of yo^r Ma^{tie}, and your princely zeale to justice."^b

With this proceeding the Commissioners (except in so far as Coke was one of them) had nothing to do. It was the act of the Judges of the King's Bench, who reported it to the King the same day. I leave to lawyers the question how far it amounted to a prejudgment of cases which they were afterwards to try. The point with which I am concerned is the new position in which it placed the case of the Somersets. Neither of them had as yet been either accused or examined; they were as yet only suspected; and the evidence against them was in preparation and incomplete. It is true that the evidence now produced for the satisfaction of the audience was no more than must have been produced, had the trial proceeded, for the conviction of Weston; but the production of it in this irregular manner by authority of the Judges, whether justifiable or not in law, could have only one interpretation in public opinion; it was a judicial declaration

* Lord Fenton to the L. Chancellor, 19 Oct. 1615.

^b The Judges of the King's Bench to the King. S. P. Dom. James I.

that the Somersets were seriously implicated in the murder ; and, whatever explanations they might give when called to their answer, it was impossible after this that they could be cleared without public trial.

The King, having received the Judges' letter reporting all this, wrote to Coke the next day (20 October) approving of what they had done and what they proposed to do ; but because he concurred in opinion with them "that Weston, having neither lands nor goods to loose" [the ordinary motive of standing mute being for the benefit of heirs to save lands and goods from confiscation], "by practice hath bene wrought to this obstinacy, perhaps upon this sinister suggestion, that the accessory cannot be called in question unlesse the principal be first condemned,"—directing the Commissioners to make use of the interval in examining Weston himself "if no man had practised with him" (to induce him to stand mute), and also "all other parties against whom they might conceive just suspicion ; namely, the Earl of Somerset and the Lady his wife ; whom in like manner they were to examine on those points mentioned in the former letters of the Commissioners,"—meaning, I suppose, the abstraction of the papers concerning Mrs. Turner. "In this particuler," he concludes, "you may remonstrate unto them how unworthy a thing it is, in the state they now stand, to heape sin upon sinne, and to charge their consciences with the apparent danger of the damning of the soule of that miserable wretch, who as he hath bene the murderer of another so now wilbe the murderer of himselfe ; wherby let them know that they can little releive themselves, if they shalbe found guilty, for w^{ch} we professe we shalbe hartely sorry. This being our resolution, to use all lawfull courses that the foulness of this fact be sounded to the depth ; that, for the discharge of our duty both to God and man, the innocent may be cleared, and the nocent, as the nature of the offence shall deserve, may severely be punished."

This was to the Judges. On the 21st he wrote to the Commissioners much to the same effect ; directing them to examine the Countess, and to confront Weston with her and Mrs. Turner, and with the Earl himself if needful ; also to examine Helwysse and Sir Thomas Monson ; and "earnestly requiring them, as they tender both his conscience and honour, to use all means for the full clearing and manifestation of the verity in this business, though they be not bound by law to do it—so that they do nothing against the law, wherein he must trust to their knowledge and integrityes."

To the proposal, however, of re-examining Weston, and confronting him with the others, the Judges objected ; alleging that "a re-examinacon or confrontinge

after a publique conviction of the ptie delinquent was not such as had been used by the course of his laws ;” and therefore that “the Earl and Countess would not be examined till after Monday,” on which day the trial was to proceed. And the Commissioners writing at the same time to the same effect, the point was not further pressed.

On Monday, the 23rd of October, Weston was brought up again, and, having consented to put himself upon his country, been tried, convicted, and sentenced, was hanged on the 25th. The same afternoon, and again on the 28th,^a Somerset was himself examined ; and, though no record remains of the particulars of the examination on either day, the important paper which follows gives us the result :—

“THE COMMISSIONERS’ REPORT TO THE KING TOUCHING THE EARL OF SOMERSET.^b”

“We are of opinion that there is vehement suspicion, and that the matter upon consideration of the examinations and testimonies is pregnant against the Earle of Sommerset for being accessorie to the poisoning of S^r Tho. Overbury before the fact done. And we had resolved to have committed the Earle to the Tower before his Ma^{ties} comming to Whitehall, if he had not had the custodie of the seales and other ensignes and ornam^{ts} of the King’s speciall favor. And, the saide seales and ensignes being taken from him, we hold it necessarie that the said Earle be comitted to the Tower.

“T. ELLESMERE, Canc.

“LENOX.

“ZOUCHE.

“EDW. COKE.”

This report, though it appears to be the original, being fairly written by Coke, and bearing the signatures of the several Commissioners in their own handwriting, has no date. But the allusion to the King’s coming to Whitehall, coupled with Camden’s note of the day when Somerset was deprived of the seals and sent to the Tower, enables us to fix the date within a day or two. Sir R. Winwood, writing from Theobalds on the 30th of October, directs the Commissioners to attend his Majesty at Whitehall at three o’clock the next day ; and we learn from Camden that the Earl was deprived of the seals and staff and committed to the Tower on the 2nd of November.

So far all was simple, natural, and straight-forward on the King’s part. A

^a Camden.

^b This is the docket, and is in Coke’s own hand.

prisoner in the Tower had been murdered. The murderers and their accomplices were to be discovered and brought to justice. A commission was appointed, with instructions to search the matter to the bottom, and with all the powers requisite for the work. They were left to pursue the inquiry in their own way; and when they reported that there was evidence implicating the Earl of Somerset as an accessory, they were at once authorised to commit him to the Tower,^a and he was committed accordingly.

The Earl on his part saw well that his hope of escape lay in his personal influence over the King; and having tried in vain to recover it by appeals to his affection in tones of complaint and reproach, he now bethought himself of another device to bring him to a private hearing. He intimated (15 Nov.) that he had some important state secret to communicate. And when the King replied by directing the Commissioners to hear his communication and report it,^b he declined to make it to *them*; alleging that it did not concern the criminal part of the business; and requested an interview with Lord Knolles and Lord Hay.^c To this the King, after considerable delay, yielded. On the 18th^d of December Lords Knolles and Hay were privately sent to speak with him; and it must have been either upon their report, or upon some subsequent message of the same kind,—and including among other things a request, reasonable enough according to modern notions, but contrary to practice then, to be acquainted beforehand with the charges against him,—that the King on the 29th of December sent for Sir George More and dictated his reply; which Sir George, it appears, set down in writing, in the paper recently discovered and now to be published. It will be found, I think, to be in perfect accordance with all the King's proceedings in the matter both before and after. The manner is earnest and natural, and so characteristic of the man that we need not hesitate to accept it as a faithful report of the words actually spoken. For proof of this, I must refer to the whole paper. It will only be necessary here to state the substance of the message; which, nakedly expressed in modern language, amounts to this:

Sir George More was to inform Somerset that nothing had been done against him which justice did not absolutely require; that no exception could be fairly

^a November 2. *Somersetto sigilla adimuntur: baculum Camerarii Regii insigne deponere et se Delegatis sistere per Baronem Wottonum jubetur; a quibus ad arcem Londinensem in custodiam mittitur, Georgio Moro arcis prefecto constituto.*—Camden.

^b Sir G. More to the Commissioners 18 Nov. Statement of Sir G. More 22 Nov.

^c Ellesmere and Coke to the King.

^d Decem. 18. *Baro Knolles et Baro Haye submissi a Rege ad Somersettum.*—Camden.

taken to any of the Commissioners; that whatever communications he wished to make he could make at any time through them; that his committal to the Tower was according to custom in similar cases, and was a measure which, in the face of their report as to the evidence, the King could not have interfered to prevent without exposing himself to suspicion of complicity; that if he and his wife were innocent, they need not either of them fear trial, which would clear them; that even if they should be found guilty, and yet the offence not appear manifest, he would not let the sentence be executed; that if they were guilty, they must confess their crime before they could ask for mercy, but upon that condition need not think their case desperate; that to acquaint him beforehand with the things that were to be laid to his charge was not in the King's power even if it were otherwise allowable, for it was more than he himself had been permitted to know; and finally, that if Somerset had any favour to ask hereafter, he must make it known through the Lords Commissioners, and not seek any other means.

If there be any difference between the tone of this message and that of the letter written two or three months before, it is explained by the changes which had come over the aspect of the case in the interval. When he wrote that letter, the King had only heard that Somerset was so far touched that it would be necessary to examine him. He had since been informed, first by the Commissioners in the beginning of November that there appeared upon examination to be "vehement suspicion" and "pregnant matter" against him as an accessory before the fact, and afterwards by Coke (27 November) that the evidence against him was "sufficient:"—meaning of course sufficient to justify conviction. "He was not proceeded withall," Coke writes in reporting the trial and conviction of Franklin, one of the subordinate actors, "untill he had discovered sufficient matter against the Earle of Sommerset, and that I had fortified his testimonie by other witnesses, which by God's providence I attained unto."* Somerset therefore stood now towards the King in a very different position from that in which he stood then.

Nor is it improbable on the other hand, that, though the King still upheld the authority of the Commissioners, leaving them to pursue the inquiry in their own way, and being even content to remain ignorant of the particulars of the evidence on which they were proceeding, he was less disposed than he had been to place absolute reliance on their discretion and sagacity. For in the course of the trials which had been going on, Coke (who in his double capacity of Commissioner to

* Coke to the King, 27 Nov. 1615

investigate and Chief Justice to try, was in effect the manager of everything,) had shown so eager and indiscriminate an appetite for evidence on one side, and such precipitation in announcing to the public from the Bench the import of what he had in store, that a duller man than the King could hardly have failed to suspect his judgment. When he wrote the letter last mentioned, he had just been announcing in open court, that, "*knowing so much as hee knew*, if this plott had not been found out, neither the courte, cittie, nor many particuler houses had escaped the malice of this wicked crue."^a In that letter itself, the new evidence which he described as "sufficient" against the Earl of Somerset was by his own showing insufficient. It was Franklin's confession of a conference with the *Countess*, in which the Earl was *supposed* to have taken part. But it appeared upon the very face of it that Franklin never *saw* the Earl; and though he believed him to be in the adjoining room and taking part in what passed, he could not have *known* that he was there at all, much less *what* part he took. And a few days later, having in the mean time sent Dr. Whiting to prepare Franklin for death, and obtained from him (in answer apparently to leading questions suggested by himself,)^b offers of many portentous disclosures, he not only concluded in his own mind that an extensive Popish poison-plot had been on foot,^c but made a second intimation to the public from the Bench, preparing them to expect some revelation of the kind. "For other things," he said, "I dare not discover secrets; but, though there was no house searched, yet such letters were produced *which makes our deliverance as great as any that happened to the children of Israel*."

This intimation was given out in court on the 4th of December; when Sir Thomas Monson, having been arraigned and pleaded not guilty and put himself upon God and the country, was suddenly removed from the court without

^a "The effect of Franklin's arraignment," S. P. Dom. 27 Nov.

^b For instance, "*Being asked* whether he should not have had an hundred pounds to be employed to the Palsgrave and the Lady Elizabeth, answered, 'An hundred? Nay 500, I will not say how much'.... *Being told* that the Quene had bene extraordinarily sicke and payned, and her yong children taken away, sayd he, 'Soft, I am not come to it yet'.... *It was sayd to him* that it was not possible so yong a lady as the Lady Somerset should contrive such a plott without some helpes. 'No, no,' said he, 'who can thinke otherwise? for the lady had no money; but the money was had from the old lady,' &c.

^c "And where your M. wryght that you would gladly knowe whether this newe discovery concerneth only this villany, or if it touch me in some higher nature, may it please your Ma^{tie} to be advertised that it concerneth not your Ma^{ties} own royal person, nor the Prince that now is, but some overture is made of some wicked attempt (besides this villany) against some that be dere and nere unto you, and besides some probable suspitions are given of some other persons, I will not say of what sexe they be, to have had an hand in this crieing syn of poisoninge." S. P. Dom. 83, 344.

further proceeding (though not without a declaration from the Chief Justice that his protestations of innocence showed him to be indeed a very atheist, "the proofs being so plain that were to be produced against him,")^a and sent to the Tower. And it may very well have been upon that occasion that the King desired to see with his own eyes the proofs that *were to be* produced. Which it seems he did. For one of the grooms of the Privy Chamber, having reported the fact in a letter to Sir William Monson (Sir Thomas's brother), and being called in question for it, made the following declaration as to his authority for the statement: "He did heare the Lord Bishop of Bath and Wels say, that his Ma^{tie}, understanding that Sir Thomas Mounson was to receve his triall, did send to my Lo. Chief Justice for all the evidence or examinations which was to be delivered against S^r Tho. Mounson; and that his Ma^{tie} received the same, and did curiously consider every circumstance; and further, the Lo. of Bathe said that his Highness found many probable circumstances, forth of all which he could not make one unaunswerable argument to convince Sir Thos. Mounson; and that he would not condemne him if he were of his jurye. And further, the said Lo. Bishop said that thereupon the King deferred his triall, to see what other evidence would come against him."^b Now, though it is true that Coke committed the writer of the letter to the King's Bench prison for slandering the King in writing it,—"*which giveth not an action,*" he said, "*de scandalis magnatis, but de scandalis optimi et maximi,*"—I do not find any ground for suspecting that the statement was untrue; but find on the contrary that it furnishes a natural and sufficient explanation of the further proceedings in the case of Sir Thomas Monson; which have been thought inexplicable without supposing some unrevealed mystery, of the existence of which we have no other evidence whatever.

If this was so, that the evidence against the Somersets likewise might turn out to be such as either would not procure or would not justify a conviction, would naturally at this time present itself to the King's mind as a possibility. But however that might be, a public trial, after what had passed, was in their case unavoidable. It had been postponed hitherto because the Countess, who, as most directly implicated, was to be tried first, was with child. She was delivered of a daughter on the 9th of December; and on the 19th of January both she and her husband were indicted for the murder, and a true bill found against them.^c I presume, therefore, that the arraignments were then expected to be

^a Sir J. Throckmorton to Mr. Trumbull, 20 Dec. 1615. See "Court and Times of James I." i. 384.

^b Examination of John Lepton (taken by Coke), 5 Feb. 1615-16. S. P. Dom. vol. 86, p. 31.

^c Camden. Lord Carew's Letters (Camden Society), p. 23.

proceeded with at once, and would have been so, but for a fresh question that came in the way, relating to some secret negotiation with Spain in which Somerset had been engaged, and requiring the presence of Sir John Digby, then resident ambassador there. This made it necessary to suspend the further proceeding for the murder till his return. And before he arrived a dispute between the Lord Chancellor and the Lord Chief Justice on a question of jurisdiction, then a serious illness of the Lord Chancellor himself, together with some other accidents which I need not stay to describe, caused further postponements; so that it was the 24th of May before the trial came on.

Justice, however, did not suffer in the end by the delay. For in the meantime Coke's threat that he would resign his place if the King were acquainted beforehand with the articles of accusation, appears to have been either forgotten or withdrawn. And indeed it is so hard to imagine any reasonable ground for the objection that I think the King must have misunderstood him. Had he threatened to resign his place as Judge if required to do the work of a solicitor for the prosecution, or to give, "before the party came to his public trial," an opinion upon the merits of the case, he would have had good reason, and anticipated by a generation or two a sound and salutary rule of judicial procedure. But on what principle either of reason or law he could maintain that the King, who was *not* to be judge and who *was* to be prosecutor, ought to be kept in ignorance of the grounds of the prosecution, I cannot guess. Whether he meant it or not however, and whatever his reasons were, he did not carry the threat out. For before the trial came on, the King did become acquainted with the articles of accusation, took a critical interest in sifting the evidence, agreed to strike out a good deal of it, and to reduce the charge into accordance with so much of it as seemed fair and sound, and yet the Chief Justice continued to serve in his place. The truth is, that, since it was the business of the Attorney-General in cases like this to conduct the prosecution in Court, it was necessary at last that he should see the examinations; and the King's Attorney could not object to give information to the King. In the proceedings against Weston, Mrs. Turner, Hellwysse, Franklin (now all tried and hanged), and Sir Thomas Monson (not yet tried though already declared guilty), Bacon had no part, and, for anything that appears, knew no more of the case up to the end of December than was public.* But in January he was called on to draw the indictments, and therefore to

* "To have a man chased to death in such a manner (as it appears now by matter of record, for other privacy of the case I know not)," &c. Charge against Lumsden, &c. in the Star Chamber, 10 Nov. 1615.

examine the evidence against the Somersets; and in an interview with the King, which I gather to have been on the 19th, he made his first report upon it.

This report again altered the aspect of the case in some degree. For to Bacon the evidence did not appear nearly so conclusive as it had done to Coke. "The evidence upon which my Lord of Somerset standeth indicted (he said) is of a good strong thread, considering that empoisoning is the darkest of offences; but the thread must be well spun and woven together."^a And, remembering no doubt how the trials of Essex and Raleigh had been conducted, he strongly urged the importance of choosing a Lord High Steward with judgment and authority enough to cut off digressions, and also of taking measures not only for setting forth the evidence in its proper order, but of keeping it within its proper bounds; and, with that view, of directing the Lord Chancellor to assist in the preparatory conferences as well as the Lord Chief Justice;—a precaution of which the King was by this time very well able to understand the motive and the expediency.

This advice was given to the King by Bacon at a personal conference on the 19th of January (as I understand it), and repeated by letter on the 22nd. But the same causes which shortly after postponed the arraignment would naturally postpone the preparations; and it is not till the middle of April that we find any further correspondence about them. Several examinations had been taken in the mean time by the King's direction in search of evidence concerning the Spanish negotiation; and several witnesses had been examined by Coke on his own account in hope of finding some proof of the great Popish poison-conspiracy which he thought he had detected, and the discovery of which he had rather prematurely announced three months before from his seat on the Bench. But nothing of importance came of either; nothing of the first which was thought sufficient to found a charge upon,^b nothing at all of the second. These things therefore being dropped, the preparations for the trial were resumed.

With regard to the part which the King personally took in these, it is of course impossible to give an account of it which one can assume to be complete, because much of the business was transacted by word of mouth, and of the letters which passed we have no complete collection. But enough remains to justify an inference, in the absence of all evidence to the contrary, as to the spirit in which he acted.

^a Bacon to the King, 22 Jan. 1615-16.

^b Whether Somerset had committed high treason in revealing secrets to the Spanish ambassador, appears to have been the point in question. See "Notes for an Indictment" (drawn up by Coke). S. P. Dom. Feb. (?) 1615-16.

Under this head there are two principal questions to be asked : First, what part did he take in the selection of the evidence to be used ; and what directions did he give for the manner in which it was to be handled, in case the Earl stood upon his innocence ? Secondly, what was the nature and object of certain private communications which were made to the Earl by his authority, in hope of inducing him to confess the crime ?

1. With regard to the first, he required from his Attorney-General an account of the plan upon which he proposed to conduct the case, and a sketch of what he meant to say ; and he agreed, upon the Attorney-General's own suggestion, to give certain express directions to him and the other counsel employed ; which were to this effect : in urging the charge they were to abstain from all "bitterness and insulting," remembering that their part was to make Somerset "delinquent to the peers, not odious to the people ;"^a neither were they "to expatiate or digress upon any other points that might not serve clearly for probation or inducement of that point whereof he was accused." In accordance with this principle, he expressly approved of Bacon's intention to omit altogether, as irrelevant, frivolous, or inconclusive, a great part of the evidence which Coke had collected. And in one place he took exception himself to a passage which it was proposed to produce in support of the charge, on the ground that the words did not naturally bear the meaning put upon them ; a fact which I collect from two or three incidental allusions scattered through the correspondence, but important enough, when the question is in what spirit he was proceeding, to be worth bringing out in detail. The chief difficulty, it must be remembered, which the case presented was to find *direct* evidence of the Earl's personal complicity. The presumptive evidence was strong ; but if he really was a consenting party to the murder, he had taken care to keep himself so much out of sight, that no one could be found who had seen him do or heard him say anything which was conclusive of the fact. The evidence upon which Coke had been content to rely for this rested altogether upon a presumption. The Countess had been seen to go into an adjoining room and to return out of it, having (as was *supposed*) taken instructions from the Earl, who was *supposed* to be within. But though it is true that other evidence was produced to prove that he was there at the time, no one could say that he heard the instructions given. Not to add that, as all

^a Bacon to Villiers, 6 May.

"The Heads of the Charge:" marginal note in the King's own hand. Bacon's Works, vi. p. 97.

this took place long after the death of Overbury, and related only to measures for evading discovery, the clearest proof that the Earl was *then* in guilty collusion with the Countess could have proved no more than that he was an accessory *after* the fact. There was, however, another piece of evidence which would have gone much nearer to prove the Earl's personal complicity in the murder, if it could have been well established. While Overbury was in the Tower, the Countess (then Lady Essex) had written a letter to the Lieutenant, cautioning him as to the disposal of certain tarts; and one sentence ran thus: "*If he should send this tart and jelly and wine to your wife*, then you must take the tart from her and the jelly, but the wine she may drink it, if she will, for in that there are no letters I know; but in the tart and jelly I know there is,"^a &c.

Being asked whom she meant by "he," she said she meant Somerset.^b If so, it was a strong piece of evidence against him; for it was good proof that the Countess at that time thought him likely to send tarts which she knew to be poisoned; and it was proposed to use it in that sense and for that purpose. But when the King came to look at the words with the context, it struck him that this was not the natural interpretation of them. He therefore referred the point to the Commissioners for further investigation; observing that "that evidence, as it standeth now uncleared, must *secundum leges sanæ conscientiæ* be laid aside."^c In pursuance of this direction, Lady Somerset was examined again,^d and when she said that she meant by "he" not Somerset, but Overbury, that passage was withdrawn.^e

Now, when we remember that the King was all this time very anxious that the prosecution should be justified by the verdict (for in those days the failure of a Crown prosecution was regarded as a dishonour to the Crown), we cannot but conclude that the part he took in the preparations for the trial was governed by a desire to be just and fair to all parties—at least until we find him doing something irreconcilable with that supposition; of which I have not myself been able to discover any traces.

^a S. P. Dom. 86, 6; printed in Gardiner's "*History of England, 1603—1616*," vol. ii. p. 387.

^b 8 Jan. 1616, Gardiner id. *ibid.*

^c Bacon to Villiers, 13 April.

^d Bacon to Villiers, 2 May.

^e "That part of the evidence of the lady's exposition of the pronoun (he) which was first caught hold of by me, and afterwards by his Majesty's singular wisdom and conscience excepted to, and is now by her re-examination retracted, I have given order to Serjeant Montagu (within whose part it falleth) to leave it out of the evidence." Bacon to Villiers, 5 May.

2. With regard to the private communications with Somerset, it might perhaps have been wiser to let them alone; though, without knowing what effect they may have had in keeping him from extremities, it is hard to affirm even that with confidence. But though the policy was questionable, the motive, so far as I can see, was fair and the object good. The public declarations of the Earl's guilt (for which the King was no way responsible) having been so strong, while the proofs appeared on inspection to be in some respects so weak, the result of the proceeding and its effect on popular opinion was a matter of just anxiety; and he no doubt wished extremely that Somerset (if guilty, as he supposed him to be) could be induced to relieve him from the difficulty by a confession. But what inducement had Somerset to confess, if ever so guilty? Suppose him to have been privy to the murder before it was done; still he knew that, having kept so much out of the way, the evidence to connect him with it could not be much or direct. He knew, therefore, that he had two chances of escape. The King—either upon some misgiving as to the force of the evidence, or some fear of meddling with so powerful a man, or some remnant of affection for one who had so lately and so long been his bosom-friend—might shrink from bringing him to trial. And again, if brought to trial, he might be acquitted. Upon what motive should he throw away two such chances of escape? The only motive that could be presented to him was a hope that, if he voluntarily confessed his guilt, he would have a better chance of mercy than if he stood upon his innocence and were found guilty upon the evidence.

Now that the King was from the first strongly inclined to mercy, would have been glad of an excuse for it, and believed (as in those days most people did) that a clear, voluntary, and penitent confession furnished such an excuse,—can hardly be doubted, I think, after the letters and messages which I have already quoted. Had it been doubtful before, this message of the 29th of December now brought to light would have set the doubt at rest: for it contains an intimation of what such a confession might deserve, almost amounting to a promise. "As for himself," he was to be told, "there is no cause why he should desire not to come to trial, if the proofs be so pregnant that they require it; for, being innocent, upon trial he will be cleared, and so being justified shall receive no disgrace; as with many great persons it hath fallen out, which have been committed to the Tower, and being tried have been cleared for the like offence. But if he be guilty (as God forbid) then must he take a course by his humble confession to plead for mercy; I being to follow the example of Almighty God, who doth not forgive sins till they be confessed and sorrowed for; no more can I shew mercy where

innocency is stood upon, and the offence not made known by confession unto me." Upon that condition I have myself no doubt whatever that the King did at that time (which was long before any attempt had been made to practise upon his fears) secretly intend to use in Somerset's favour his prerogative of mercy; and what he secretly intended to perform, he wished Somerset to be secretly encouraged to hope. He could not give a direct and explicit promise, because a direct promise to pardon him if he confessed would have seemed like a bargain and a bribe to purchase the confession. But he authorised certain persons (the Commissioners themselves first, and afterwards some private messengers) to suggest the hope to him, not as a message from him, but as from themselves. Of the manner in which the Commissioners performed the task we have two reports, one written by Coke and the other by Bacon, but both without date, and so little alike that it is doubtful whether they refer to the same occasion. They agree however in this; neither represents the Commissioners as having said anything false or meant to mislead, and both represent what was said to have been said in vain, for any effect that it seemed to take on Somerset. One effect however it had. It convinced him at last that, unless he could find some new means of diverting the King from his purpose, he would really have to stand his trial. It was rumoured in London about the middle of May that, finding this to be so (which he had not believed before), he had offered to reveal something which it greatly concerned the King and the State to know, and desired to see the Commissioners for that purpose.^a And it is certainly true that after the King had on the 9th of May, and again on the 13th, sent private messengers to him in great secrecy to renew his former assurances in a form coming still nearer to a promise,^b he did talk of making an

^a Edward Sherburn to Dudley Carleton, 17 May, 1616.

^b "Ye shall therefore give him assurance in my name, that, if he will yet before his trial confess clearly unto the commissioners his guiltiness of this fact, I will not only perform what I promised by my last messenger both towards him and his wife, but I will enlarge it, according to the phrase of the civil law, *quod gratiæ sunt ampliandæ*. I mean not that he shall confess if he be innocent, but ye know how evil likely that is, and of yourself ye may dispute with him what should mean his confidence now to endure a trial when as he remembers that this last winter he confessed to the Chief Justice that his cause was so evil likely as he knew no jury could quit him. Assure him that I protest upon my honour my end in this is for his and his wife's good; ye will do well likeways of yourself to cast out unto him, that ye fear his wife will plead weakly for his innocency, and that ye find the commissioners have, ye know not how, some secret assurance that in the end she will confess of him; but this must only be as from yourself, and therefore ye must not let him know that I have written unto you, but only that I sent you private word to deliver him this message." (*Archæologia*, vol. xviii. p. 352.)

Whether the Commissioners had any such secret assurance I cannot say. If not, this last direction is the

important disclosure of some kind ; though from the terms of the King's answer I infer that it was not an offer of information which it concerned him to possess—that was the device which he had tried before unsuccessfully—but a threat of disclosing something which it concerned him to keep secret. The exact date of it I cannot ascertain ; but it cannot have been many days before the trial, and, being his first attempt (as far as I can find) to work upon the King's *fears*, it is important to know how it was entertained. The following confidential letter from the King to Sir George More, through whom the threat was sent, furnishes on this point evidence of the most conclusive kind ; and though it is not new in itself, it will probably be sufficiently new in this connection to be worth quoting at full length.

“ GOOD SIR GEORGE,

“ I am extremely sorry that your unfortunate prisoner turns all the great care I have of him, not only against himself, but against me also, as far as he can. I cannot blame you that ye cannot conjecture what this may be, for God knows it is only a trick of his idle brain, hoping thereby to shift his trial ; but is easy to be seen that he would threaten me with laying an aspersion upon me of being in some sort accessory to his crime ; I can do no more (since God so abstracts his grace from him,) than repeat the substance of that letter which the Lord Haye sent you yesternight, which is this : if he would write or send me any message concerning this poisoning, it needs not be private ; if it be of any other business, that which I cannot now with honour receive privately, I may do it after his trial and serve the turn as well ; for, except either his trial or confession precede, I cannot hear a private message from him without laying an aspersion upon myself of being an accessory to his crime, and I pray you to urge him by reason, that I refuse him no favour which I can grant him without taking upon me the suspicion of being guilty of that crime whereof he is accused ; and so farewell. JAMES R.

What followed upon this I cannot make out with certainty, for want of exact dates. But it seems, that, upon the very eve of the trial, More reported to the King a new difficulty. Somerset had been seized with some “strange fit,” either was or pretended to be either mad or unable to move, and what was to be done ? In answer to which “strange news,” the King directed him to let Lord Hay and Sir Robert Carr (who had already been sent) speak with him first ; and “when that most questionable part of the transaction. It is to be remembered however that the object of it still was, though by a false alarm, to get at the truth ; nor was there any danger of its leading to anything else ; for, if Somerset knew that he was not guilty, he knew also that his wife would not confess of him.

* *Archæologia*, vol. xviii.

is done," he added, "if he shall still refuse to go, ye must do your office, except he be either apparently sick or distracted of his wits; in any of which cases ye may acquaint the Chancellor with it, so that he may adjourn the day till Monday next, between and which time,^a if his sickness or madness be counterfeited, it will manifestly appear."^b

His concluding words are, "If he have said anything of moment to the Lord Haye, I expect to hear of it with all speed; if otherwise, let me not be troubled with it till the trial be past." This therefore would seem to have been the last act of this secret negotiation; of which I have noticed, I think, all the particulars which can be said to be known. For Weldon's picturesque account of Sir George's midnight visit to Greenwich, though not materially differing in substance from my version thus collected, is difficult to reconcile with it in detail; these letters of the King's own hand, which so conclusively establish the fact that Somerset had uttered some threat which he thought would frighten him, being scarcely consistent with a story which represents the whole transaction, from the announcement of the threat to the arrangements made for meeting it, as having passed at a secret personal interview between the King and More in the middle of the night immediately before the trial. And indeed we have other evidence to show that the apprehension of some outbreak of the kind on Somerset's part was of rather earlier date. In a paper in Bacon's handwriting, which appears from internal evidence to have been written three or four days at least before the trial, the following question is proposed as "a question legal for the judges:" "Whether, if my Lord of Somerset should break forth into any speech of taxing the King, he be not presently by the Lord Steward to be interrupted and silenced; and, if he persist, he be not to be told that if he take that course he is to be withdrawn, and evidence to be given in his absence; and whether that may be, and what else to be done." I am inclined to think, therefore, that Weldon confounded two separate stages of the business, and that Somerset did in fact resort to the threat when he found that the King was in earnest, and when the threat failed to move him, resorted to the pretence of sickness or madness.

Whether the opinion of the Judges was taken upon the question suggested by Bacon; or, if it was, what opinion they gave; or whether any preparations were made to act upon it; I cannot undertake to say. But the occasion did not arise. When Somerset consented at last to go, and came to the Bar,—whether it were that he was unwilling to shut the gate against mercy, or that he had been warned that

^a So in the original.

^b *Archæologia*, vol. xviii.

if he broke out into invective against the King he would be forcibly silenced and removed; or (which is as likely as anything else) that, though he had used the threat in hope to serve his turn by it, he had really nothing to say,—certain it is that he did neither say nor hint anything about the King whatever. He asserted his innocence confidently, and defended himself boldly, and, after a trial which lasted twelve or thirteen hours, was found guilty by all his triers severally,—no one dissenting. And when I have added that the King, who remained at Greenwich all that day, was observed to be very restless and uneasy until he heard that the trial was over and no attack made upon himself, I believe this account of the part he took in the proceedings against Somerset for the murder of Overbury will be found to be complete, in so far as it can be collected from evidence that can be properly called authentic.

In excluding from it all particulars derived from more doubtful sources I do not mean to imply that all such are without foundation. Many of those supplied by Weldon and Roger Coke and Wilson are probable enough in themselves, and might be combined with my narrative quite well. But I wished first to set forth in order those facts which cannot be doubted; after which we shall be better able to see how many and how much of the rest will stand with them. Sir Anthony Weldon was clerk of the Board of Green Cloth, was living about the Court all the time, and professes to relate things which he had himself seen or heard, or received from those who did see or hear them. Roger Coke belonged to a later generation, but his father was Sir Edward Coke's son, so that he was a legitimate inheritor of traditions from a good source. Arthur Wilson was scarcely a man at the time; but when he wrote his history he was no doubt within reach of many persons who could give him valuable information. But Weldon wrote from recollections of some standing, and those who have moral endurance to read his book through will hardly believe that he could report anything at any time without large infusions from his own very savoury imagination. Roger Coke could but tell us with regard to the secret history of these trials as much as he remembered of what his father or his uncles remembered of what their father had told *them*. And Wilson professes to speak from reports, for which he does not profess to vouch. Whenever therefore the story told by these writers is irreconcilable with the evidence of letters written at the time in the course of business, or with warrants still extant, or with statements publicly made by those who had means of knowing, or even with contemporary letters reporting the passing news of the day, we need not hesitate to set it aside, or to bring it into harmony with them by some conjectural correction. Thus Weldon's statement

that the discovery of the murder came first from an apothecary's boy, who revealed it to the English Agent at Brussels, may perhaps be true: it may have been in this way that Winwood became acquainted with the rumour which he communicated to the Earl of Shrewsbury. But that Winwood had known the fact before from the Countess of Shrewsbury, who had been voluntarily informed of it by Helwysse, and that he had acquainted the King with it, and that they had all kept it close until the agent at Brussels came over with his report, is as much less probable than the account of the matter given by Bacon in court as it is less in accordance with the documentary evidence still extant. So again, Roger Coke's account of the commencement of the judicial proceedings may perhaps be correct thus far. The King's messenger may have reached Coke's chamber at midnight, Coke may have received the message as soon as he woke, attended the King at Royston the same afternoon, and taken his instructions for the investigation. But that his first act was to make out a warrant for the arrest of Somerset, and that it had been executed before he arrived at Royston, is certainly not true. So again, the words said to have been used by the King when Somerset remonstrated against the indignity of being sent for by Coke,—“Nay, man, if Coke sends for *me*, I must go,”—are so very much in his manner that I think they must be genuine. But they must have been spoken when Somerset was first summoned to attend the Commissioners,—not when he was committed to custody.

An examination of the whole story in this way might yield other particulars, probably or possibly true, which would serve to enliven the narrative a little; but when stripped of all they contain of improbable or impossible, I doubt whether they would materially affect the substance of it. And therefore if the field had been a fresh one, and I the first explorer, I should not have thought it necessary to go further. The proceedings, so far as the King was concerned, appear to me—supposing him to have been really governed by the motives which he professed to be governed by—natural, consistent, and intelligible, from first to last, and to require no other explanation. Since, however, the belief that some strange undiscovered mystery still lies beneath has been so general, and given rise to such a variety of strange conjectures, I may be still called upon to explain that fact; and the explanation need not be long.

The particulars of the several theories which have been propounded on the subject it will not be necessary to discuss; because if my own theory be sound it disposes of them all together. It is enough to observe that one general assumption lies at the bottom of them all, and if that goes they must all go. This

assumption is, that the King had himself been a party to some great crime, of which he dreaded the disclosure, and which he knew that Somerset had the means of disclosing. My reasons for rejecting it are, first, that the appearances which have suggested it are one and all explicable *without* any such supposition; and, secondly, that his conduct throughout the whole business was inconsistent *with* any such supposition.

The belief that traces had been discovered of some portentous secret which would not bear the light, was no doubt general at the time among the people: and where evidence is suppressed suspicion naturally falls upon those who had the means of suppressing it. But in this case the existence of such a belief is amply accounted for by the public announcement of the fact which had been made from the Bench. When the Chief Justice of England informed the people that he had evidence proving that the nation had narrowly escaped a danger as great as any that the Children of Israel were delivered from—evidence of a plot which, had it not been discovered, “neither Court, city, nor many particular houses had escaped the malice of that wicked crew,”—what wonder that they expected some horrible iniquity to be presently brought to light? What wonder that, when nothing came, they supposed it had for some mysterious reason been hushed up? Or that when the Chief Justice himself was, not many months after, removed from his place, they remembered the words he had uttered, and concluded that he had forfeited the King’s favour by seeing too far into his secrets? What the evidence was from which he inferred this secret conspiracy, *they* had no means of knowing. But we have. The evidence may still be seen in its original shape—probably all there ever was—as collected by Coke himself; and it may all be clearly traced to the confessions made by Franklin after his condemnation. He had been sentenced on the 27th of November, and would in the ordinary course have been hanged on the 29th. But as he went from the bar he had dropped a hint to those about him that “there were greater persons in this matter than were yet known.” And on the 28th, when questioned on that point by the minister whom Coke sent to press his conscience, he began to throw out hints of awful disclosures which he could make if he liked; and there can be no doubt, on comparing them with Coke’s reports to the King, with his remarks in Court, and with the tenour of the interrogatories which he drew up afterwards in search of further evidence, that this was the stock upon which the whole thing grew. Nothing came out of it, simply because there was nothing in it. Some portions of the evidence elicited by those interrogatories were indeed designed by Coke to be introduced by way of aggravation into the charge against Somerset, but they were struck out by Bacon,

with the King's express approbation,* as not of weight and not to the purpose; a respect which he considered due to the dignity of Justice. Any suppression of evidence other than this, there is, so far as I can find, not the shadow of a reason for suspecting.

The appearances, therefore, which first put it into people's heads to suspect a mystery, and are still supposed to imply the existence of one, may be all explained without supposing anything more than this: that a condemned felon would not scruple to tell lies, when he found that by telling them with due respect to the appetite of the questioner he could gain a few days' respite from the gallows. And therefore whatever inferences concerning the King's supposed crime rest upon these, must, I conceive, be withdrawn. Which being done, the only thing remaining to be accounted for is Somerset's threat to "tax him" with something, and his uneasiness while that threat was hanging over him.

But the utterance of such a threat by Somerset is as easily explained as the offer of fresh disclosures by Franklin. It was his sole remaining chance of deterring the King from bringing him to a public trial. And as for the King's uneasiness, is there any man who in such a case would not have *felt* uneasy? are there many men who would have been able to conceal the feeling? A proud, bold, unscrupulous, desperate man—a man too who was well known to have been trusted by the King for many years with his most secret thoughts—had declared that if he brought him to trial he should repent of it, for he would publicly accuse him of being himself implicated in the same crime; (for, whatever Somerset meant, this is the sense in which the King understood him.) Such an accusation made against a king, who can not be brought to trial for it, is a breath which blasts the reputation for ever, a stain which cannot be wiped out, though supported by no evidence at all. To a thoughtful man, full of apprehensions, it must have threatened a whole brood of mischiefs and dangers. The fear of all this, though it did not deter the King from his duty, did (and very naturally did) disturb his tranquillity. Though he resolved to confront the danger, it is not to be denied that he dreaded it. "I will not omit to acquaint your Lordship," says one of Sir Dudley Carleton's correspondents, "that the day of the late Earl of Somerset's arraignment his Majesty was so extreme sad and discontented, as he did retire himself from all company, and did forbear both dinner and supper until he had heard what answer the said Earl had made. It

* "As for all the subsequent evidences, they are so little evident, as *una litura* may serve them all." The King's note in the margin of Bacon's letter. (Lambeth MSS. 933, 125.)

seemed something was feared should in passion have broken from him; but when his Majesty had heard that nothing had escaped him more than what he was forced to answer to the business then in hand, his Majesty's countenance soon changed, and he hath ever since continued in a good disposition."^a Now, knowing (as the writer of this letter did not know, but we do,) what it was that the King had to fear, and with what reason, can anything be conceived more natural than all this? What is there in it so strange, that we must needs believe him guilty of murder or worse, though two centuries of scandalous curiosity have not revealed a tittle of evidence to countenance the suspicion, more than the circumstance which I have just read an account of?

But to say that in order to explain the facts it is not necessary to suppose the King guilty, is not to say all: I am prepared to maintain further that if you suppose him guilty it is impossible to explain the facts.

By the supposition, the King has done something of which he dreads the disclosure, and of which Somerset knows. An inquiry is raised which implicates Somerset in a capital charge, and places his fate at the King's disposal. Had he been afraid of provoking him, he might easily, keeping the inquiry close and in his own hands, have managed it so as to keep him in temper by secretly favouring or promising to favour him. What does he do? He leaves it all to Sir Edward Coke—the most unsubservient, intractable, self-willed, contradictory, and indiscreet man in his dominions—a man whose pride was in his reputation for probity and independence, and who was as staunch as a bloodhound in hunting out evidence; leaves it to him without any restriction upon his discretion, or any watch kept over him; puts the probe into his hands without any caution except a solemn injunction, as he would avoid God's curse, to search it to the bottom.^b Again; after all Coke's pains, the evidence against Somerset is found to rest chiefly upon presumptions, and is certainly not conclusive. How easily, and even plausibly, he might have used that circumstance as an excuse for dropping the prosecution, and so shunning the thing he feared! What does he do? He

^a E. Sherburn to Carleton, 31 May, 1616. S. P. O. It appears, however, from Mr. Gardiner's extracts from Gondomar's despatches, that the King spent great part of that day in talking with Gondomar about the Spanish match.

^b The words said to have been addressed by him to the Judges at Whitehall, concluding with this famous imprecation, rest only on Weldon's authority. Whether they were truly reported or not, and *when* they were spoken, if spoken at all, is immaterial; for all that they *meant* was repeated by him in writing several times over, as we have seen. From Gondomar's despatch (Oct. 30) it would seem that they were addressed to the Counsel when he gave Coke his first Commission.

shows only the more anxiety to press Somerset to a confession, and to have the case sifted to the bottom, with an unshrinking determination to bring it to a public issue in court. Once more; Somerset, finding him in earnest, directly threatens, that, if the trial be not forborne, he will have his revenge by making the dreaded disclosure. Being so threatened, how easy to have soothed him by secret messages, intimating that though tried he should not be hurt; that though public opinion required the public proceeding, yet the charge should be so lightly pressed as to insure an acquittal! What does he do? He refuses to hold any private communication with him until the trial be over. Lastly, when the trial comes on, though the threat is fresh in his ears, does he hang out signs of hope? Does he fill the court with Peers whom Somerset may recognise as friends, or select a president who is likely to be partial? Far from it. The person selected for Lord High Steward was the Lord Chancellor, whose previous appointment as Commissioner to assist in the investigation Somerset had objected to, on the ground of supposed personal hostility; and as for the selection of the Peers, though I think I have seen it remarked that there were some of them who ought to have been excluded as personal enemies, nobody has yet thought of objecting that the court was packed with his friends. And very evident it is, that, though he did not desire to take any unfair advantage either way, the King's anxiety was not for an acquittal, which would have relieved him at once from all further apprehension and difficulty, but for a conviction.

You see, therefore, that there is not a single movement, from the beginning to the end, such as you would have expected from him had he been acting under a guilty consciousness that his reputation was in Somerset's power: whereas if you suppose him to have been moved at first only by a natural horror of the crime and strong zeal for justice, and alarmed at last only by the fear of what a proud man, falling suddenly from such a height to such a depth, might in the bitterness of revenge or jealousy do or say,—there is not a single passage in his whole proceeding which you might not have expected.

Nor were the pardons which he granted soon after, to the Countess first and then to the Earl, inconsistent with these suppositions, if they be rightly considered. The Countess, though in some respects the guiltiest of the whole party, was the first and the only one of them who confessed before conviction. In showing mercy to a confessing penitent the King thought he was following the highest example of all; and indeed, if he had not done so, he might have been justly charged, if not with breaking a promise, at least with deceiving a hope

which he had himself encouraged. And for the Earl, though he had refused to deserve mercy on that condition, yet that very refusal, maintained as it was to the end with resolution and consistency, was a fact tending to strengthen the doubts for which the gaps in the evidence certainly left room,—doubts whether he was really an accessory before the fact. His behaviour at the trial was felt at the time by spectators fully predisposed to believe him guilty, as something unexpected and in his favour. “The only thing worth note in him” (writes Sherburn to Carleton, after observing that his answers to the charges were “poor and idle,”) “was his constancy and undaunted carriage in all the time of his arraignment; which as it began, so did it continue to the end, without any change or alteration. His Lordship, though he would not confess himself guilty, but stood upon his innocence, yet hath received the same sentence which the day before was given to his Lady,”^a &c. Nor did the passing of this sentence produce any change in him in this respect. The nearest approach to a confession which could ever be extracted from him, either before or after, was an admission made to Coke in the preceding February that “the presumptions against him might be such, having consented and endeavoured with others the imprisonment of Overbury, &c. as that, the same being enforced by wit and art against him, the extent of law might lay hold of him and find him guilty, being never so clear.”^b To this day the question of his guilt remains doubtful, and the resolution with which he stood upon his innocence is felt to be a part of the evidence. “When these two letters are read,” (says the late Professor Amos, speaking of certain unsuccessful “attempts to overcome the Earl’s resolution,”) “the Earl’s perseverance in defending his innocence will appear to be a feature in his conduct deserving of much consideration in passing our judgment upon his guilt or innocence :”^c to which I may surely add—though it be an inference for which Professor Amos was little prepared—that it was deserving of no less consideration from the King in determining whether he should allow the sentence to be carried into effect. As it was, the punishment which fell upon both of them, even supposing both to have been equally guilty, was amply sufficient for example; and, though there have seldom been criminals who had less popular sympathy to plead for them, there is no reason to suppose that the mercy extended to them was at the time disliked. Another of Sir Dudley Carleton’s correspondents, writing on the 29th of May—only five days after the trial,—describes it as the general wish that the

^a Sherburn to Carleton, 31 May, 1616. (S. P. O.)

^b Coke to the King, 8 Feb. 1615-16.

^c “Great Oyer of Poisoning,” p. 411.

King might spare Somerset. "Where a man converseth" (he says), "he finds all spirits induced to favour, pity, and wish well to this personage condemned." Yet he seems himself to have believed him to have been not only an accessory before the fact, but the original actor and mover. "The Lady" (he adds) "comes into the business by him and by his means." . . . "The pity I write of cannot proceed from thence that he did but serve another's purpose."^a

I am, &c.

JAMES SPEDDING.

^a Edward Palavicino to Carleton, 29 May, 1616. (S. P. O.)

VII.—*The Genuineness of the Holy Sepulchre.* By THOMAS LEWIN, Esq.,
M.A., F.S.A.

Read February 15th, 1866.

THE great aim of history is to hold up the mirror of the past; but this cannot be done without a knowledge of places as well as of persons. Topography not only illustrates, but also corrects, history: Josephus, for instance, speaks of Jerusalem as having contained occasionally 3,000,000 inhabitants; and in the Jewish War he raises up, by the magic stroke of his pen, countless hosts that never were born; but when we come to examine the localities, we see at once that his statements are preposterous, and that we must accept them at an enormous discount. If topography be so essential an ingredient to history, the more important the events, the more necessary the investigation of the places where the scenes were enacted. It is for this reason that so much attention has of late been directed to the topography of Judea, and of Jerusalem in particular. The inquiry as to the latter has perhaps excited the greater interest from the extreme difficulty with which it is attended. Our information, however, is so rapidly accumulating, that candid minds are now fast converging to a central point. One of the most perplexing questions has been whether the so-called Holy Sepulchre be actually the spot in which the body of our Lord was laid; and, having directed my attention to this subject more or less for about a quarter of a century, I hope I may, without presumption, bring under the notice of the Society the grounds upon which I have formed my conclusions.

In the first place, a strong feeling in favour of the genuineness of the Holy Sepulchre arises from the fact that for more than 1,500 years at least* this has been the traditional site: here for so many centuries have Christians of all nations

* See *post* the testimony of the Bordeaux Pilgrims and of Eusebius.

and of all creeds come to bow with reverence. It is not the case of one sect advocating one site, and another sect another site, but the tradition has been steady and uniform that here was our Lord entombed. This argument carries to my own mind the greatest weight. *Jews* may have been banished from Judea from the time of Hadrian to the time of Constantine, but numerous *Christians* (the converts from *heathenism*) must from the first have sojourned at Jerusalem, or in the immediate neighbourhood, and I do not think it possible that they could have let slip from their memory the scene of such momentous events as the burial and resurrection of our Lord. The Christian child to whom the Sepulchre was pointed out in the year of the crucifixion (A.D. 33) would cherish it in his recollection as long as he lived, which might be until the close of the first century at least, and long after the destruction of the city by Titus. Even the Apostles themselves remained at Jerusalem for many years after the resurrection, say until A.D. 55, and must they not have often conducted their converts to the Holy Sepulchre? and, if so, how could all trace of the site of it have been lost?

As the Holy Sepulchre thus recommends itself as genuine *primâ facie*, we are led to ask what is the objection urged against it. The only one of any weight appears to be this, that our Lord, as all admit, was buried *without* the city; whereas the so-called Holy Sepulchre is now *within* the city. But it is equally well known that the outer wall on the north, commonly called the third wall, was begun by Agrippa in A.D. 43, and was not completed until some time during the Jewish war, which broke out in A.D. 66 and ended A.D. 70. The only wall which girt in the city on the north in the time of our Lord, was that now generally known as the second wall. If, therefore, it can be shown that the Holy Sepulchre was without the second wall the objection is answered. A question about the course of walls must involve minute details which cannot be followed without attention, but with a little patience we can arrive, according to my judgment, at a satisfactory result. The difficulty is to find some starting point which we can rest upon as an indisputable basis. Such a substratum presents itself in the citadel or castle of David, on the right hand of the Jaffa Gate. This can be proved demonstratively to be identical with the palace of Herod, afterwards the *Prætorium* or residence of the Roman Procurator. Few persons who have considered the subject will be disposed to question this; but I proceed to adduce the several arguments upon which our assertion is founded.

Josephus describes the High Town or Upper Market as a platform surrounded by ravines on the west, south, and east sides,* and as standing toward the north

* *Bellum*, v. 4, 1.

on a λόφος or cliff.^a The palace was at the *north-west* corner of this platform, for Titus, after the capture of the third or outmost wall and the second or middle wall, assaulted the palace from the north,^b and then from the west,^c which he could only have done on the supposition that the palace looked northward and westward, or in other words was situate at the north-west corner. While the whole north wall of the High Town stood on this λόφος or cliff, the three towers in the north wall of the palace, viz. Hippicus, Phasaclus, and Mariamne, were erected upon a rocky crest which stood out by itself.

Compare this description with the present features.^d As you enter the Jaffa Gate and walk down David Street, and Temple Street which continues it, to the Haram, you observe a rise of the ground on your right hand.^e It has been much discussed whether the Tyropæon Valley began or not at the Jaffa Gate, and ran eastward until it turned down to Siloam, and Josephus nowhere says that it did; but he does state, both directly and indirectly, that the High Town on its north side was precipitous,^f and that the north wall of the High Town stood upon a cliff;^g and in conversing with Mr. Schick, a resident architect who erected the English church just opposite the Citadel, I remarked that he invariably termed this abrupt rise of the ground "The Cliff of Sion," using the very term employed by Josephus so many centuries before. However, I have no doubt that in the time of Josephus a considerable valley ran along David Street and Temple Street, and so formed the commencement of the Tyropæon Valley, which gradually deepened as it approached the Haram, when it deflected southward to Siloam. Even as matters now stand, the Jaffa Gate itself is situate in a depression between the citadel on the south and the hill on the north.^h Then, as you enter and begin to descend David Street, eastward of the first street leading north, there is a visible ascent,ⁱ and when you come to the open space once occupied by the Hospitallers, the ground on the north is from 12 to 15 feet higher than the street.^k On the south side there is still quite a sharp ascent;^l and at the first turning to the right after passing the

^a ἐφ' ὑψηλῷ λόφῳ, Bell. v. 4, 4. περιερχόμενον οὖσαν, vi. 8, 1.

^b Bell. v. 7, 3, where Titus is represented as encamping within the third wall, and as assaulting Hippicus, one of the towers of the palace.

^c Bell. vi. 8, 1.

^d See the accompanying Plan (Plate I.), which is based on the Ordnance Survey lately made by the Expedition to the Holy Land under Captain C. W. Wilson, R.E.

^e Robinson, Biblical Researches, i. 264; iii. 208.

^f Bell. vi. 8, 1; v. 4, 4.

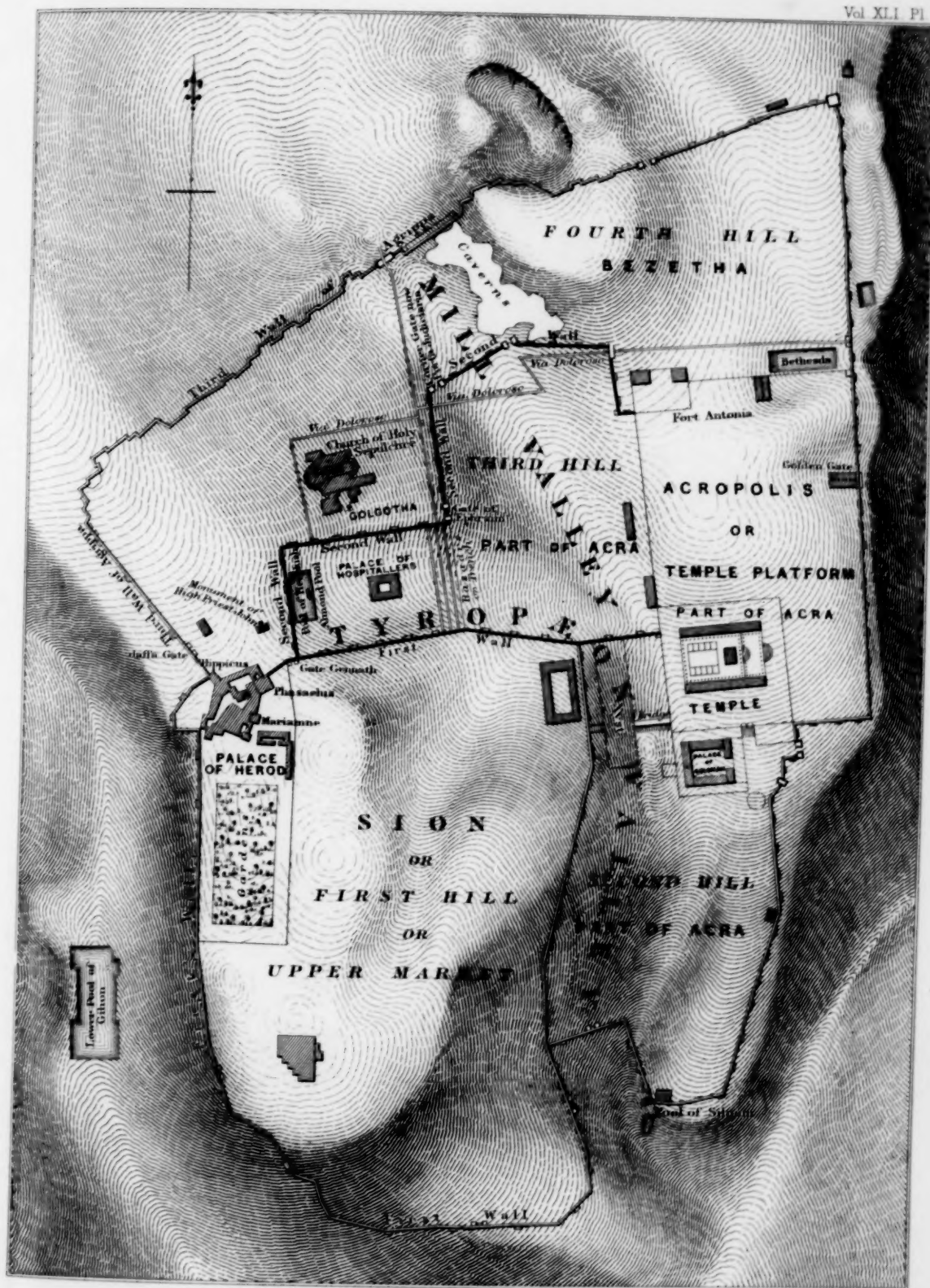
^g Bell. v. 4, 4.

^h Robinson, Bib. Res. iii. 208.

ⁱ Robinson, Bib. Res. i. 265.

^k Robinson, Bib. Res. iii. 167

^l Robinson, Bib. Res. i. 264, 265. Tobler, Dritte Wanderung, 233.



PLAN OF JERUSALEM.

Kell. Bro. Lith. London.

Citadel I counted myself about twelve steps up to Sion.^a On reaching the top you find yourself on a level with the roofs of the houses below.^b It is also observable that of the two great sewers that drain Jerusalem, while one of them runs from the Damascus Gate down the Mill Valley, the other is carried down David Street,^c and this alone would prove a natural hollow in this direction. Such is the present state, but let us penetrate below. Excavations have established the fact that the hard rock comes near to the surface both on the north and south of David Street, while in David Street itself there is an enormous accumulation of *débris*. Let us look first to the north side of David Street. Just *without* the Jaffa Gate on the north, where is the present Custom-house, it is rock.^d At the new buildings of the Latin Patriarch, a little to the north of David Street, *within* the walls, it is rock,^e and the Pool of Hezekiah, a little due east of this spot, is sunk in the rock.^f If we turn to the south side of David Street, the Citadel itself is erected upon the crest of a rock, and to the east of this is the Prussian Hospital, the foundations of which are laid upon the rock,^g and 350 feet to the east of this it is also rock.^h Now, what is the nature of the substratum between these two ridges of rock? On excavating at the corner of the first street on the left, after entering the Jaffa Gate, and therefore at a spot between the Citadel and the buildings of the Latin Patriarch, there was found in digging for foundations a depth of rubbish not less than 40 or 50 feet.ⁱ At a point further down, at the junction of David Street with Christian Street, and therefore between the Pool of Hezekiah or its immediate vicinity on the north, and the Prussian Hospital on the south, the foundations of an ancient chapel were discovered at the depth of 30 or 40 feet below the present surface.^k If we descend still further down David Street the same phenomenon appears as you pass from David Street into Temple Street, that is, excavations have been made there to the depth of 25 feet without reaching the rock,^l so that the natural soil might rest still many fathoms lower.

Again, Mr. Schick, the European architect before referred to, and who possesses more local knowledge of nether Jerusalem than perhaps any other person living, informed me that in digging for a foundation between the Cliff of Sion and the

^a See Lewin's *Siege of Jerusalem by Titus*, p. 215.

^b Robinson, *Bib. Res.* i. 264.

^c Pierotti, vol. i. p. 15.

^d Pierotti, vol. i. p. 19.

^e *Ibid.*

^f Robinson, *Bib. Res.* iii. 185. Tobler's *Dritte Wand*, 234.

^g Pierotti, vol. i. p. 19.

^h *Ibid.*

ⁱ Mr. Whiting's Letter, Robinson, *Bib. Res.* iii. 632.

^k *Ibid.* and see Robinson, *Bib. Res.* 184.

^l Tobler's *Dritte Wanderung*, 234, 255.

site of the Hospitallers' Palace, he excavated to the depth of 60 feet without finding the natural soil. The substratum consisted, to use his own words, of "only very small stones looking like the filling up of a trench,"^a and it is remarkable that if the palace of Herod was where we have placed it, this would be the very spot where Titus cast up one of his mounds against the High Town. In the time of Brocardus, a monkish writer of the thirteenth century, the valley had been somewhat obliterated, but was still distinctly traceable.^b At the present day, as observed in Murray's Handbook, if you station yourself on the roof of the Serai at the north-west corner of the Haram, you can follow the depression of the valley all the way from the Jaffa Gate to the Haram. If, as some insist, there is no valley along David Street, how comes it that no one has yet discovered the rock in this part, notwithstanding all the searches that have been made, and while the rock is found on the sides of this line both north and south? There is a curious fact mentioned by Kadi-Mejr-ed-din, who wrote A.D. 1495. "David Street," he says, "was so named from a subterranean gallery which David caused to be made from the gate of the chain (the chief entrance to the Haram) to the Citadel, called the Mickrah of David. It still exists, and parts of it are occasionally discovered. It is all solidly vaulted."^c This tradition of a subterranean gallery (erroneously attributed to David) is to some extent borne out by recent discoveries, for between the little street of Kanater Mar Botrûs and David Street, *i. e.* just opposite the site of the Hospitallers' Palace, a partial chain of underground vaults is still seen,^d and they have again been found halfway along David Street at the Bazaars,^e and they appear again under the raised embankment leading to the gate of the chain at the entrance to the Haram.^f All this tends to confirm the fact of a natural valley in this part.

The broad platform or hill which has this fall of ground on the north, and is also surrounded on the west and south sides by the valley of Hinnom, and on the east by the Tyropæon Valley, is of so peculiar a character and is so isolated from the rest of the city that it must have always borne, as it still bears, a distinct and peculiar name. It was originally called Jebus, and was the city of the Jebusites, and is the High Town or Upper Market of Josephus, and for at least 1500 years (that is since the days of the Bordeaux Pilgrim) has been known as Sion. If we can assume that the quarter now called Sion is the High Town of

^a Lewin's *Siege of Jerusalem by Titus*, 218.

^c *City of the Great King*, 397. Tobler, i. 216.

^e Tobler's *Dritte Wanderung*, 234.

^b Robinson, *Bib. Res.* iii. 205.

^d Lewin's *Siege of Jerusalem by Titus*, p. 221.

^f Tobler's *Dritte Wanderung*, 225.

Josephus, the Castle of David must necessarily be the Palace of Herod, for the palace was at the north-west corner of the High Town, and the Castle of David is at the north-west corner of Sion.^a

So much for the general position of Herod's Palace, now the Castle of David; but, if we descend to details, we shall be struck by the increasing cogency of the proofs of the identity of the two. The Palace of Herod was defended by the three strong towers before mentioned, Hippicus, Phasaelus, and Mariamne.^b The chances would be greatly against any citadel containing exactly that number of towers; yet, on looking at the Castle of David, we discover just that number, and no more. The three towers of Herod were built upon a rock,^c and the three existing towers are also founded on the rock.^d The three towers of Herod were square and solid up to a certain height,^e and the present towers are also square and solid for some height from the base.^f But further, the rock on which Herod's three towers were erected was 30 cubits or 45 feet high,^g and the rock which sustains the present castle is 42 feet high; so that 3 feet only are wanting to correspond with the historian's statement.^h Hippicus was the most westerly of the three towers, and was a square of 25 cubits;ⁱ and the base of the most westerly of the present towers is ancient, and nearly of those dimensions.^k Phasaelus was the middle tower of Herod's Palace, and was 60 feet square, or 240 feet in circumference, and was solid to the height of 60 feet;^l and the middle tower in the present castle answers to this description, for, though not quite a square, but rectangular, it is a square to the eye, and the circumference is 253 feet,^m and therefore exceeding Josephus's measurement by 13 feet only. But what is more striking still, the lower part of the tower, to the height of no less than 40 feet, is actually solid, without any known entrance either above or below ground; and there is besides an accumulation of rubbish at the foot, so that if this were cleared away it might be found that the whole height of the solid part was, as Josephus states it, 60 feet. The tower is composed of bevelled stones, and is evidently the work of the Herodian age, and is commonly called Hippicus, which is one of the vulgar errors, as it is certainly Phasaelus. Mariamne, the third tower in Herod's Palace, has been destroyed, with the exception of the base of it, which to the height of 5 feet is solid, and cased with large stones roughly

^a In the Old Testament, Sion signifies the whole mountain shut in between the Valley of Hinnom and the Valley of Jehoshaphat, and is equivalent to Jerusalem as a whole, which occupied the mountain. In the Maccabees, however, Sion signifies the Temple Inclosure, now the Haram.

^b Bell. v. 4, 3.

^c Bell. v. 4, 4.

^d Pierotti, vol. i. p. 29.

^e Bell. v. 4, 3.

^f Pierotti, vol. i. p. 29.

^g Bell. v. 4, 4.

^h Williams, Holy City.

ⁱ Bell. v. 4, 3.

^k Pierotti, vol. i. p. 29.

^l Bell. v. 5, 3.

^m Robinson, Bib. Res. i. 308.

rusticated.^a The old materials have been built into the present tower, which stands a little back towards the south-east, just where we should expect to find Mariamne; for all three towers were erected on one isolated crest, and they could not therefore have stood in a straight line, but must have been clustered about the rocky eminence. Again, while the towers of which we have spoken lay on the north of the palace, the royal apartments in which Herod and his family resided lay to the south, and next to them in the same direction were spacious gardens laid out in walks, with fountains and dovecots, and all the appliances of luxurious Eastern life; and to the south of the Castle of David are, to this day, extensive gardens reaching along the western wall, 650 yards in length and 250 yards in breadth,^b so that this part has been cultivated as a garden for about 1,900 years.

It may be tedious to demonstrate further the identity of the Castle of David with Herod's Palace, but it is absolutely necessary that we should have some certain and indisputable point to start from. I will therefore test the identity in another way. When Titus had taken the third or outer wall, and pitched his camp between that and the second wall, he assaulted the northern wall of the High Town at the part which lay between the monument of the High Priest John, which was a conspicuous feature in the siege, and Hippicus, one of the towers of Herod's Palace^c; but close to the monument of John, that is to say, only 45 feet from it, was the Amygdalon or Almond Pool.^d Hence, it is clear that to the north of the palace, and at only a short distance from it, was a pool of sufficient dimensions to be a well known mark. This corresponds exactly with the facts. To the north-east of the Castle of David, and at only about 100 yards from it, is the Pool of Hezekiah, which is universally admitted to be the Almond Pool of Josephus. It is, indeed, the only pool within the walls of the city, with the exception of the Pool of Bethesda, which is in just the opposite quarter above the Haram, and could not, upon any conceivable theory, have been the pool referred to by Josephus.

I will only extend this branch of the argument by one further observation. We read that on the western side of the Temple were four gates, one of which, the most southern, led over the bridge to the palace,^e from which I collect that the

^a Pierotti, vol. i. p. 29.

^b Handbook for Syria.

^c Bell. v. 7, 3.

^d κατὰ βόρειον κλίμα τὸ ἔργον ἦν καὶ κολυμβήθραν Ἀμυγδαλῶν προσαγορευομένην· τούτου δὲ τὸ πεντεκαίδεκατον ἀπὸ τριάκοντα πηχῶν ἔχον κατὰ τὸ τοῦ ἀρχιερέως μνημεῖον. Bell. v. 11, 4.

^e Ἡ μὲν εἰς τὰ βασιλεία τείνουσα, τῇ ἐν μέσῳ φάραγγος εἰς δίοδον ἀπειλημμένη. Ant. Jud. xv. 11, 5. That the bridge is here referred to see Ant. Jud. xiv. 4, 2; Bell. vi. 6, 2; vi. 8, 1; ii. 16, 3; i. 7, 2.

bridge led by a direct route to the palace, for the expression would hardly be correct (as the palace lay at some considerable distance) if the road pursued a devious course. The abutment of this bridge on the west side of the Temple is still to be seen in the western wall of the Haram, near the southern end, and if a road be carried in a straight line westward in the same direction with the bridge, it would strike the very spot at which, on other grounds, we have placed the Palace of Herod.

All these circumstances, some of them of a most minute character, and beyond the reach of accident, have satisfied me without the least misgiving or hesitation, and I hope will satisfy others, that the Castle of David occupies the site of the Palace of Herod, or rather of the Citadel on the north side of the palace, in which stood the three famous towers Hippicus, Phasaelus, and Mariamne; and, having made good this stand-point, we now proceed to the consequences which flow from it.

The first wall, or that of the High Town, commenced on the north according to Josephus, at Hippicus, and then uniting Hippicus with the two other towers, Phasaelus and Mariamne, went eastward along the cliff of the High Town to the Temple. In other words, the first wall began at the tower next the Jaffa Gate in the Castle of David, and then ran successively to the other two towers in the Castle of David, and then struck off in a straight line eastward along the Cliff of Sion to the Haram. If I am not mistaken, the wall itself was discovered in 1862, when I happened to be at Jerusalem. I have already mentioned a flight of twelve steps from David Street up to the Cliff of Sion on the south. At the top of the steps the little street called Kanater Mar Botrûs runs from west to east, parallel to David Street. Between this street and David Street a house was being erected for Dr. Chaplin the English physician, and in excavating for a foundation the workmen came to a small tower nearly square, measuring in the interior 8 feet from north to south, and 9 feet from east to west. On the west side of the tower was a gate 5 feet wide and 18 feet high. At the distance of 64 feet to the east was discovered another tower of similar dimensions, and the two towers were connected by a massive wall. Unfortunately I omitted to take a note of the breadth of the wall, but it was very considerable, for Mr. Schick, after searching in vain for a solid foundation, erected the wall of the house upon the back of the old wall.* What is very remarkable is, that this wall was in the direct line with the third tower in the Castle of David; and we have seen that according to Josephus the first wall struck off eastward from Mariamne, the third tower in the Palace of

* Lewin, *Siege of Jerusalem by Titus*, 216.

Herod. Whether the old wall thus brought to light be or not the veritable first wall of the High Town, it is clear that the first wall must have run in this direction, for its course was from west to east, and was just south of the Almond Pool, now the Pool of Hezekiah. We have next to inquire what was the line of the second wall.

The account of Josephus is that "the second wall started from the Gate Gennath in the first wall, and, compassing only the northern quarter, ran up to Antonia."^a Where then is the Gate Gennath to be placed? When the outer or third wall was assaulted by Titus, the Jews were the less anxious about the city, that is the High Town, because, if the outer wall were taken the city would be still defended by two walls,^b from which it must be inferred that the Gate Gennath was at least close to the three great towers of the palace, for the city could not be said to be still behind two walls if there were a considerable space protected only by one wall. On the other hand, when Titus had taken the outer or third wall and before he had taken the second wall, he assaulted the High Town from the north,^c so that there was certainly some interval or portion of the first wall lying between the third wall, which started from Hippicus, and the second wall, which started from the Gate Gennath.

There are some further particulars mentioned in the siege of the city by Titus which will enable us to fix with some precision where the Gate Gennath actually stood. When Titus reconnoitred the city to select a point of attack, he came to the resolution of assaulting the third or outer wall opposite the monument of the High Priest John, and the reason assigned is, that if he carried the outer or third wall the road would then be open to him against the High Town without taking the second wall,^d and when he had mastered the outer or third wall he accordingly delivered the assault against the High Town along that reach of the inmost or first wall which lay *between the monument of John on the east and the Tower of Hippicus on the west.*^e The exposed part of the first wall was therefore the space from the monument of the High Priest John to the Tower Hippicus; but the exposed part of the first wall was also between the second wall (*i.e.* the Gate Gennath where it commenced) on the east, and the Tower of Hippicus on the west. The Gate Gennath therefore was at the monument of the High Priest John; and as we have identified Hippicus with the present tower at the Jaffa Gate, if we can only find the site of the monument of the High Priest John, we shall have ascertained the length of the interval or portion of the first wall which lay

^a Bell. v. 4, 2.

^d Bell. v. 6, 2.

^b Bell. v. 7, 2.

^e Bell. v. 7, 3.

^c Bell. v. 7, 3.

between the outer or third wall, which began at Hippicus, and the middle or second wall, which began at the Gate Gennath. Now when Titus had failed in his attempt to carry the High Town by assault, he proceeded to cast up a bank or mound against it, and this was at the monument of the High Priest John;^a and on this being destroyed by the Jews, Titus waited until he had captured the middle or second wall, and then cast up two mounds, *one at the monument of the High Priest John, and the other at the Almond Pool, and it is stated that the two mounds were only 45 feet apart.*^b But the Gate Gennath was, as we have seen, at the monument of the High Priest John, and the monument of the High Priest John was only 45 feet from the Almond Pool, now the Pool of Hezekiah. The Gate Gennath then, at which the second wall commenced, must have stood close to the Pool of Hezekiah, which is a little to the north-east of the Castle of David. That, in fact, there was a gate at this very point is evident from the narrative of Josephus, for when Titus was casting up the first mound against the High Town, after the capture of the outer or third wall, and before the capture of the middle or second wall, the Jews sallied out of this gate and made an onslaught upon those who were working at the mound.^c

It may be admitted that if the second wall, as we have placed it, went due north even for a few furlongs from the Gate Gennath, it would include the Holy Sepulchre; but as candour compels us to make this concession, so truth enables us to trace it in a direction which will at once remove the difficulty.

As the reason with many for giving so great an extent to the middle or second wall is the impression that the Low Town, confined as they suppose within the second wall, would thus be reduced to insignificance, I must remark *in limine*, that there can be no greater error than to consider the Low Town as limited only to the part bounded by the second wall. Josephus states most distinctly that the Low Town was seated chiefly on the eastern ridge, and that it was divided from the western ridge, the higher of the two ridges, by the valley which ran to Siloam, and that the Low Town reached all the way from Fort Antonia on the north to the Pool of Siloam on the south, so that it comprised the present Haram, and also the whole of Ophel below it. According to Josephus, Fort Antonia, now the Serai, was in the Low Town,^d and the Temple was in the Low Town,^e and when Herod had taken the Temple, and stormed the parts below it on Ophel, it is said that he forced the Jews "from the Low Town, and burnt it down to Siloam."^f The quarter bounded by the second wall was originally a distinct hill, called in

^a Bell. v. 9, 2.

^b Bell. v. 11, 4.

^c Bell. v. 9, 2.

^d Bell. v. 5, 8.

^e Bell. v. 5, 8.

^f Bell. vi. 7, 2.

Josephus the Third Hill;^a but when the Asmonean or Mill Valley between the third hill and Acra, or the second hill on the eastern ridge, was filled up,^b this third hill became amalgamated with the Low Town on the second hill, and passed as part of it.^c Thus, the third hill within the second wall was a portion only, and comparatively a small portion, of the Acra or Low Town, and this is confirmed by the summary way in which Josephus disposes of the second wall. It "encircled," he says, "the northern quarter only," language inconsistent with its comprising any considerable area.

Other circumstances also will shew the narrow dimensions of the space within the second wall; for when Titus had taken the outer or third wall of Agrippa, now represented by the line of the present wall, he encamped within the outer wall, and yet was out of reach of shot from the second wall.^d The course of the second wall must therefore have been much to the south of the third or outer wall, and so of narrow limits, or there would not have been the necessary space between the outer or third wall and the second wall for the encampment. But as many do not admit the identity of the outer wall with the present wall, the last argument, according to their view, has no weight. But the same result may be arrived at by another fact which cannot be gainsaid. The outer wall contained ninety towers, and the first wall sixty towers,^e and the two together forming the whole circuit of the city made a circumference of thirty-three stades.^f If, therefore, one hundred and fifty towers were found in a wall of thirty-three stades, the second wall, which had only fourteen towers, would be about one-eleventh part, or three stades. Of the ninety towers however of the first wall, some twenty must have stood in the parts of the first wall within the city, and not in the line of the outer ambit; and if we deduct one-third or twenty towers on this account, there will still remain forty towers in the first wall, which added to the ninety towers of the outer or third wall will make one hundred and thirty towers for the whole circumference of thirty-three stades. The fourteen towers of the second wall would in this view be about one-ninth of the whole, and one-ninth of thirty-three stades would be three stades and two-thirds, or about 2,200 feet; whereas, if we draw a straight line from the Gate Gennath to Fort Antonia at the north-west corner of the Haram, the distance is about 2,000 feet, and the difference is to be accounted for by the turns of the second wall in its progress. The difficulty, if we look to the number of towers, is not how to make the second wall long enough, but how to make it short enough.

^a Bell. v. 4, 1.

^b Bell. v. 4, 1.

^c Called, for instance, the Low Town, Bell. iv. 9, 12.

^d Bell. v. 7, 3.

^e Bell. v. 4, 3.

^f Ibid.

I will now state what in my opinion was the true course of the middle or second wall. The original Jerusalem was Jebus, the *first* hill of Josephus, the great platform known in our day as Sion. When Jebus was taken by David, and it became his capital instead of Hebron, a new city sprung up in the eastern ridge, being the *second* hill of Josephus, and afterwards known as the Low Town or Aera, and called in Nehemiah the City of David. When his son and successor Solomon erected the Temple at the north end of the eastern ridge, and inclosed the Temple platform for its protection, the parts immediately adjacent to the Temple on the west, and called the *third* hill of Josephus, gradually became covered with buildings, and, as the population in this part extended itself, it became necessary to protect it from the enemy. This was a work of some labour, as the ground sloped upwards toward the west, so that the only safeguard would be to cut off the higher ground on the west by a deep trench, in the same manner as the higher ground to the north of Fort Antonia had been cut off by the deep trench now called Bethesda. Have we then any traces of such a fosse? Halfway along the street from the Jaffa Gate to the Haram is on the north side the triple line of bazaars, and they are seated in a deep hollow running up northward, so that the roofs of the bazaars are on a level with the surface of the ground on each side, both east and west, and this extraordinary excavation is continued as far as the Porta Judiciaria, at the junction of Damascus Street with the Via Dolorosa.^a The only explanation which can be given of this cutting, which is certainly artificial, is that it once formed the fosse at the foot of the second wall for the protection of the quarter seated on the *third* hill. This is confirmed by the discovery at the north end of the bazaars of large bevelled stones, corresponding in character to those at the south-east and south-west corners of the Haram.^b At this point stood the gate of Ephraim, and 600 feet more to the north, where the second wall turned eastward to join Fort Antonia, stood the corner gate called in after times the Porta Judiciaria. Accordingly, on the latter spot has been found, at the depth of 18 feet below the surface, the fragment of an ancient and massive wall.^c The second wall extended no further northward, for between this point and the Damascus Gate excavations have been made, but no traces of it can be discovered.^d At the Porta Judiciaria therefore, or the corner gate, the second wall made a sharp turn eastward; and in this direction we again come upon traces of it along the Via Dolorosa, at the point called the First Fall of Christ, where have been discovered "large stones and an ancient gate."^e

^a Robinson, Bib. Res. iii. 166, 169. Tobler's Dritte Wand. 238.

^b Lewin's Siege of Jerusalem by Titus, 356.

^c Pierotti, vol. i. p. 33.

^d Ibid.

^e Ibid.

It will be remembered that in the time of King Amaziah, Jehoash, King of Israel, possessed himself of Jerusalem, and broke down 400 cubits or 600 feet of the wall from the Gate of Ephraim to the corner gate,^a and that this part of the wall was afterwards restored by King Hezekiah.^b This reparation of the broken wall by Hezekiah is coupled with another statement which materially concerns the second wall, as it accounts for an alteration made in the original course of it. Hezekiah, it is said, "built up the wall that was broken, and raised it up to the towers, and *another wall without*,"^c which makes it probable that this additional "wall without" had some connection with the restored wall; and so it was. Hezekiah was threatened with an invasion by Sennacherib, and one of his leading objects was, in case of a siege, to supply Jerusalem with water. The Upper Pool, called by Josephus the Serpent or Dragon Pool, lay without the walls of the city, at the head of the Valley of Hinnom, and would thus fall into the hands of the enemy. The supply of water to the Citadel, now the Castle of David, and the High Town, was drawn from this pool, and Hezekiah therefore determined to discharge the water into another pool which should be beyond the enemy's reach. For this purpose he excavated the pool a little to the north-east of the Castle of David, called by Josephus the Almond Pool, and now correctly the Pool of Hezekiah. But, as the site of the new pool was just without the walls of the city, Hezekiah, at the same time that he restored the old second wall, "built another wall without," by carrying a wall in an elbow from the north of the High Town round the new pool, until the new wall joined the old second wall at the Gate of Ephraim. This is not merely an ingenious theory, but borne out by actual exploration. Some years since, in excavating for the foundations of the present (not the new) residence of the Latin Patriarch, just west of the Pool of Hezekiah, remains of the solid masonry of an old wall, no doubt the supplemental wall of Hezekiah, were brought to light;^d and again, in making the repairs of the Coptic Convent at the north of the Pool of Hezekiah, the workmen came upon an old wall running east and west, of the breadth of 10 or 12 feet and constructed of large hewn and bevelled stones.^e The purposes of a pool would have required a thickness of wall of 3 to 4 feet only, but here was the thickness of 10 or 12, and if the latter, it was just the breadth of the ancient wall of the Temple.^f Here then we have the direction of the new or supplemental wall, running, so soon as it passed the Pool of Hezekiah, in an eastward direction. The line of the

^a 2 Kings, xiv. 13; 2 Chron. xxv. 23.

^d Pierotti, vol. i. p. 25.

^b 2 Chron. xxxii. 5.

^e Robinson, Bib. Res. 329.

^c Ibid.

^f Bell. vi. 5, 1.

same wall has been traced a little further on at the Lesser Mosque of Omar, at the north-west corner of the quadrangular area of the Hospitallers, and the masonry in this part is described as "composed of large blocks of stone of a tolerably regular form, and fastened together by iron cramps."* From this point it still continued its course eastward until it joined the old second wall at the Gate of Ephraim, where the restoration by Hezekiah of the wall broken down by Jehoash began, and where, as already noticed, we again find traces of the old wall in the bevelled stones recently discovered in the excavations for the Prussian Consulate. By carrying the second wall, as we have done, from a point in the inner or first wall opposite the south-west corner of the Pool of Hezekiah, and then along the west and north sides of the pool to the bazaars, and then along the trench to the Porta Judiciaria, and then to the Haram, we satisfy every notice of the second wall to be found in Josephus, and the hypothesis is confirmed by all the remains of the second wall which have yet been found. If it did not run in this line, what was its course? for between this line and the outer or third wall not a vestige of any wall or gate or tower has ever been turned up, notwithstanding all the efforts which have been made. It is almost unnecessary to repeat that, if this line of the wall be conceded, the Holy Sepulchre at the time of the crucifixion was beyond the second wall, *i. e.* was without the city.

But it will be said, Assuming that the site of the Holy Sepulchre was at this time without the city, yet if the spot was inclosed by the outer or third wall by Agrippa ten years after the crucifixion, it must at the time of the crucifixion have been extremely populous, and how then could there have been a garden there, and *a fortiori*, how could there have been a sepulchre there?

We will take the several points in order, and first as to the populousness of that part. It is now generally acknowledged that the numbers put forward by Josephus as crowded into Jerusalem are gross exaggerations. There was no census, and the numbers were guesses. We are not bound therefore to people this quarter for the mere purpose of finding room for the imaginary multitudes raised up by the creative pen of the historian. Let us rather collect, if we can, from the facts to be found incidentally in Josephus himself, what was the truth. When Titus determined on assaulting the outer or third wall opposite the monument of the High Priest John, he did so because at that point there was an interval between the outer or third wall and the middle or second wall, which gave him access to the inner or first wall. And what is the reason which

* Pierotti, vol. i. 25.

Josephus assigns for this? "Because," he says, "they (the Jews) had not cared to fortify *a part of the new city which was not much inhabited.*"^a This will account for a fact which otherwise would be very surprising, viz.: that Josephus, in his general description of the city, omits all mention of this particular tract; for, taking the different quarters in the order in which they were peopled, he describes first the High Town or Jebus on the first hill, and then the Low Town added by David and Solomon on the eastern ridge of the second hill, and then the third hill, which was inclosed by the second wall,^b and then the fourth hill called Bezetha, at the north of the temple, to protect which the wall of Agrippa was erected;^c and in this account no allusion is made to the part of the western ridge without or beyond the second wall, though this part was also inclosed by the wall of Agrippa; and the reason of the omission is that the population on this portion of the western ridge was not worth speaking of. It is not a little remarkable that even at the present day this part of the city is still an open area unoccupied by human habitations. There seems to be a spell upon the spot now as in the days of Josephus. The outer or third wall then, as regards the western ridge, was built for strategic purposes only, viz.: as affording a better line of defence by running along the crest of the hill instead of across the lower ground upon the declivity. Under such circumstances, and before the erection of the wall of Agrippa, we need not be surprised that gardens should have existed in this quarter; and the further we go the more satisfied we shall be that gardens did actually exist. The gate which led from the High Town to this part was, as we have said, called Gennath, *i.e.* the Garden Gate, and how could it have acquired that name except as leading down to the gardens. The Pool of Hezekiah was called the Almond Pool, a name probably derived from the almond trees planted about it. But further, when the city was beleaguered by Titus, his first step was to clear the ground on the west side of the city up to the Serpent or Dragon Pool, more anciently called the Upper Pool, and it is especially mentioned that this quarter was intersected by gardens.^d No doubt the particular gardens here referred to are those without the wall of Agrippa; but when we remember that at the time of the crucifixion no such wall existed, we are warranted in assuming that the gardens extended up to the second wall.

As to the existence of tombs there we are not left to conjecture even, for reference is again and again made in Josephus to the monument or tomb of the

^a ἀμελησάντων καθ' ἃ μὴ λίαν ἡ καινὴ πόλις συνήκιστο τειχίζειν. Bell. v. 6, 2.

^b Bell. v. 4, 1.

^c Bell. v. 4, 2.

^d Bell. v. 3, 2.

High Priest John, which stood close to the second wall, just opposite to the Gennath Gate.^a Our Lord's body was laid in the tomb of Joseph of Arimathea, who is described as a "rich man," and the circumstance of a high priest having been buried near to it shows that this was a place of interment for persons of distinction. It is not to be forgotten that to this day, in the immediate vicinity of our Lord's tomb, are two other tombs of a purely Jewish character cut in the native rock, and called the tombs of Joseph and Nicodemus.^b

It is obvious that the two facts to which we have adverted, viz. the existence of tombs and the want of population in this part shed light upon each other, for it is well known that the Jews had a religious horror of residing where there were sepulchres, so that if there were a cemetery here there would be no inhabitants.

We shall now show on the most undoubted testimony that for upwards of 1,500 years the Holy Sepulchre and Golgotha have been assigned to the very spots where they now appear. The Bordeaux Pilgrim was at Jerusalem in A.D. 333, and in describing his peregrinations in and about the city, he first of all ascends the Temple Platform and then passes down the Tyropœon Valley to Siloam; he next mounts the hill of Sion, and surveys the house of Caiaphas without the wall of Sion; he then passes within the wall of Sion through the southern or Sion Gate, and having examined the objects worthy of notice on Mount Sion within the wall, he proceeds thus: "To go thence out of the wall, as you go from Sion to the Nablous Gate, on the right hand, down in the valley, are the walls, where was the house or Prætorium of Pontius Pilate. There our Lord was tried before He suffered; but on the left is Mount Golgotha, where our Lord was crucified. From thence about a stone's throw is the crypt where His body was laid, and on the third day He rose again. In the same place has recently been erected by command of the Emperor Constantine a Basilica of wonderful beauty, having cisterns on the side, whence water is raised, and a bath at the rear, where infants are washed."^c As the pilgrim had himself passed through Nablous (which he calls "*Civitas Neapoli*"), there can be no doubt that by the *Porta Neapolitana* he means what to this day is called the Nablous, otherwise the Damascus Gate, and then his walk from Sion along the street leading to the Damascus Gate would be as accurate now as it was then. The valley is on the right hand, and at the bottom of it is the so-called House of Pilate, the Serai or Barrack at the north-west corner of the Temple Platform. On the left is

^a Bell. v. 6, 2; v. 9, 2; v. 11, 4.

^b Robinson, Bib. Res. 180.

^c *Inde ut eas foris murum de Sione euntibus ad portam Neapolitanam, &c.*

Golgotha, and at the distance of a stone's throw from it is the Holy Sepulchre, and over and about it is the Basilica, or what is left of the Basilica, erected by Constantine, and at the north side of it is the great cistern called the Treasury of Helena, the largest of all the cisterns in Jerusalem, and on the other side in the Chapel of the Invention of the Cross may still be traced the bath in which the infants were washed.^a

The testimony of Eusebius is no less explicit, though presented in a different form. He was a contemporary of the Bordeaux Pilgrim, and witnessed the erection of the church, and his description of it shows conclusively that it was built over the tomb now known as the Holy Sepulchre. The entrance to the Sepulchre, he says, was towards the east,^b and so it is; and over it was erected an oratory,^c which is now represented by the *ædicula* or little chapel, containing the Sepulchre. There, he says, Constantine formed a rotunda about the Sepulchre, and embellished it on *three* sides with columns,^d and to this day a circular colonnade encompasses the Sepulchre on the north, south, and west sides, but not on the east. On this, the east side, he continues, Constantine erected the grand Basilica or Church, with a nave and double aisles, of two stories, of which the lower was excavated in the rock, and the upper or gallery only was above ground;^e all which particulars, including the excavation of the lower story, are to be found in the present church. Still further to the east and facing the market-place was the Propylæum,^f and recently in Damascus Street, where formerly was the market^g and now are bazaars, some of the columns and other remains of the Propylæum have been brought to light,^h insomuch that Comte de Vogüé has been enabled by comparing the several parts to furnish the configuration of the whole edifice.ⁱ Thus, throughout, there is so exact an agreement of the existing remains with the description of Eusebius, that no one can reasonably doubt that the Church of Constantine was erected upon this spot; in other words, more than 1,500 years ago tradition located the Sepulchre of our Lord where it now is.

In conclusion, I will advert to a question which naturally presents itself, viz. Assuming that the site of the Sepulchre has been satisfactorily ascertained, is it possible that any part of the Sepulchre itself is now extant. Considering the havoc

^a See Murray's Handbook for Syria, where the chapel is said to have been an ancient cistern.

^b Euseb. Vit. Const. iii. 36.

^c Id. iii. 33, 34.

^d Id. iii. 35.

^e Id. iii. 37.

^f Id. iii. 40.

^g Robinson, Bib. Res. iii. 166.

^h Robinson, Bib. Res. iii. 168. Tobler's Dritte Wand. 343. ⁱ See Vogüé, Eglises de la Terre Sainte, 126.

that has more than once swept over Jerusalem, it would be a rash assertion to say that any portion of the actual tomb has survived; but, whether that be so or not, the form of the original sepulchre has been faithfully preserved. The minute manner in which it answers to the few notices of the tomb in the New Testament cannot otherwise be accounted for. Thus, Peter "stooping down and looking in, saw the linen clothes lying,"^a which shews that the tomb was not sunk deep into the ground, or, on the contrary, cut into the rock at a height, but was excavated laterally with the usual low entrance, such as that now shewn, and which requires a person to stoop down sideways to look into it. Again, when the two Marys came to the Tomb, they "saw a young man sitting on the right side;"^b and when Mary Magdalene afterwards returned to weep at the Sepulchre, she "saw two angels in white, sitting the one at the head and the other at the foot."^c Now the Jews had two forms of sepulture; one was to place the body in a *loculus* or recess cut laterally into the rock, and the other was to lay the body on a ledge or bench of rock; and, from the angels sitting on the tomb, it is evident that in the case of our Lord the second mode of sepulture was adopted, and that this ledge was formed on the right hand of the tomb. This is exactly what now appears in the Holy Sepulchre. You enter through a low door, and then a ledge of rock is shewn on which the body reposed, and on which two persons could very well be seated, and this ledge, observe, is on the right hand. Another feature was preserved for many centuries, but has now disappeared. A stone lay in the outer chamber, and was said to be the stone that closed the mouth of the Sepulchre, and it was *molaris*,^d or like a millstone. Amongst the Jews at that particular period a custom prevailed of closing the door of the sepulchre by means of a circular stone like a millstone, which, being set upright, could be rolled backwards and forwards in a groove at one side of the doorway; that is, when the sepulchre was to be closed the stone was rolled forward, and when the sepulchre was to be opened it was rolled back. But no little strength was required for putting so heavy a mass into motion; and how singularly this answers to the casual notices in the New Testament. "They rolled a great stone to the mouth of the sepulchre;"^e and again, "Who will roll us away the stone from the mouth of the sepulchre?"^f and again, the angel "rolled back the stone from the door and sat upon it."^g This, as the stone was not lying flat, but, when rolled aside,

^a John, xx. 2.

^b Mark, xvi. 5.

^c John, xx. 7.

^d Anton. Placent.

^e Matthew, xxvii. 60. Mark, xv. 46.

^f Mark, xvi. 3. Luke, xxiv. 2.

^g Mark, xxviii. 2.

still stood upright, is intelligible enough. A curious instance of this machinery for closing the door of the sepulchre exists to this day in the so-called Tombs of the Kings, but which is really the mausoleum of Queen Helena, and of the royal family of Adiabene, constructed not long after the Crucifixion, as is evident from the debased style of architecture employed in it.^a Until the mechanism in this mausoleum was scrutinised and explained, the full meaning of the passages just cited from the New Testament was not fully understood, and the true interpretation was, if I mistake not, first distinctly pointed out by myself.^b

^a See further upon this subject Lewin's *Siege of Jerusalem by Titus*, 394.

^b *Lewin's Siege of Jerusalem by Titus*, 394.

VIII.—*The Mosque of Omar.* By THOMAS LEWIN, Esq., M.A., F.S.A.

Read March 8th, 1866.

A CLOUD of mystery has long shrouded the Mosque of Omar, and various hypotheses have been put forward for solving the enigma. I am about to propound a novel theory; and, as most persons must long since have formed their own conclusions, I feel that prejudices are to be overcome, and that without any partisans, at least to begin with, on my side, I must necessarily have many opponents. The Society however will, I am sure, indulge me with a patient hearing, while I explain my views. Let me in the first place, for the benefit of the uninitiated, state the question at issue.

Experienced architects have pronounced, *ex cathedra*, that the Mosque of Omar, on examining its details, could not have been erected by the Mohamedans, but is a Roman edifice, which must have been built some time between the reign of Diocletian, who began A.D. 284, and the reign of Justinian, who began A.D. 527, but nearer the former terminus than the latter; and, not finding any other explanation ready at hand, they have broached the idea that the Mosque of Omar is the church erected by Constantine over the Holy Sepulchre, which they identify with the cave under the rock, immediately under the dome of the mosque known as the Sakhrâh. To this view there are, to the best of my judgment, overwhelming objections, and which I have stated categorically elsewhere,^a and which I shall not here repeat. I propose at present to make only one or two remarks which may be appropriately introduced as more immediately connected with the edifice itself. If the Mosque of Omar, as it now stands, was the work of Constantine, how, I may ask, is this to be reconciled with the historical facts that the Church of Constantine was burnt by the Persians in A.D. 613,^b and that when rebuilt it was

^a Lewin's *Siege of Jerusalem* by Titus.

^b Robinson, *Bib. Res.* i. 387.

razed to the foundations in A.D. 1009 by the third Fatimite Caliph Hakem?^a Some parts of the ceiling even of the mosque are supposed by architects to be the original work, and yet the voice of history has emphatically pronounced that the Church of Constantine was twice utterly destroyed! The advocates of the Constantine theory admit this, as they may well do, to be a "rather startling fact."^b Again, if the cave under the Sakhrāh was the Holy Sepulchre, and the dome was erected over it in its honour, how comes it that the cave is not in the centre of the dome, but at the south-east corner?—this simple circumstance, trifling as it is, shows that the cave was not the point of attraction, but was a mere accident. Again, if the rock was so sacred as to have led to the erection of the dome over it, how is it that we find a well sunk through the top of the rock into the cave below, and then through the floor of the cave down to the aqueduct which distributes, or rather did distribute, water over the Haram?^c Of course this well could not have been made since the erection of the mosque; and, if the cave below was the Holy Sepulchre, how could it have been made during the period between the Crucifixion and the erection of the building, as, according to history, the site of the Sepulchre during that period was occupied by a temple to Venus, in mockery of the Christians?^d

But, admitting the mosque to have been built during the period between Diocletian and Justinian, is there no alternative but to identify it with the Church of Constantine? Does history furnish no circumstances under which the mosque could be attributed, with at least some degree of probability, to any other founder than Constantine? There is to my apprehension a simple solution of the difficulty which will account for all the phenomena, and it is the object of the present paper to submit a proposition which, if it cannot be demonstratively proved, will yet recommend itself, if the arguments be carefully weighed, as in the highest degree probable. My hypothesis is, that the Mosque of Omar is the Temple to Jupiter Capitolinus, originated by the Emperor Hadrian, and restored or rebuilt by Maximinus Daza, who, on the abdication of Diocletian in A.D. 303, became the sovereign of Syria and Egypt, and remained so until A.D. 313.

Upon the capture of Jerusalem by Titus in A.D. 70, Fort Antonia at the north-west corner of the Haram and the Temple at the south-west corner of it were utterly destroyed, and from that time, for upwards of sixty years, the Haram

^a *Prædicta ecclesia usque ad solum diruta.* William of Tyre, lib. i. c. 4, 5. See Robinson, *Bib. Res.* i. 395.

^b Fergusson's *Jerusalem*, p. 107.

^c Pierotti.

^d Euseb. *Vit. Const.* and Sulpicius Sev. lib. ii.

(a walled inclosure 1,500 feet from north to south by 900 from east to west) lay desolate. In A.D. 131 the Emperor Hadrian, on his way through Syria to Egypt, conceived the design of rebuilding the city, not as a Jewish but as a Greek settlement,* by the name of *Ælia Capitolina*, after his own name of *Ælius*. He at the same time, from the resemblance of the Haram or Temple Platform to the Capitol at Rome, commanded the erection of a temple to Jupiter Capitolinus on the Haram. Hadrian himself passed from Syria to Egypt, but left orders for the restoration of the city and the construction of the temple.^b The spirit of the Jews was roused at the threatened appropriation of the site of their metropolis to strangers, and the desecration of their holy places by an idolatrous temple; and, in the following year A.D. 132, they broke out into open rebellion under the leadership of their prophet the famous Barchocab, the Son of the Star.

For two or three years Barchocab was in possession of the ancient capital, and struck money there in honour of recovered independence, and of course swept away all heathenish defilements with the besom of destruction. The Jews seem during that short period to have even rebuilt a semblance of their own temple. But it was impossible for a feeble and dispersed race to resist for any length of time the crushing weight of the whole Roman empire, and in A.D. 135 the war was brought to an end, and the Romans, once more triumphant, were masters of Jerusalem; and thenceforth, until the time of Constantine, made it death for any Jew even to approach his native soil. It is mentioned by the *Chronicon Paschale* that Hadrian now destroyed "the Temple of the Jews;"^c and Fynes Clinton remarks that "there was no temple at this time at Jerusalem," and that the *Chronicon* must be mistaken; but, as it is called emphatically "the Temple of the Jews," it may very well mean the temple erected by Barchocab as opposed to that contemplated by the Romans in honour of Jupiter Capitolinus.

When the last sparks of rebellion had been stamped out, Hadrian resumed the design of restoring the city by the name of *Ælia* and erecting the temple to Jupiter; but, as he lived only until A.D. 138, many of his works were probably left imperfect. As to the temple of Jupiter Capitolinus, the testimony of Dion Cassius, who wrote at the beginning of the third century, is as follows:—"And Hadrian, having planted at Jerusalem a city, which he called *Ælia Capitolina*, instead of the one which had been razed, and having erected in the place of the Temple of the God (*ἐς τὸν τοῦ ναοῦ τοῦ θεοῦ τόπον*) another temple to Jupiter, a war

* Malala, lib. lxi. Dion. lxi. 12.

^b Epiphan. de Pond. et Mens. s. 14.

^c τὸν ναὸν τῶν Ἰουδαίων.

broke out neither unimportant nor shortlived."^a There can be no doubt that a temple to Jupiter Capitolinus was now erected by Hadrian, but a question may well be raised as to the exact site and as to the character of the temple. The tradition in the time of Dion may have been that the temple of Jupiter was built on the very site of the Jewish temple. But we must allow somewhat for rhetorical effect, and various considerations induce us to think that the tradition in this respect was erroneous. Thus an equestrian statue to Hadrian stood on the platform of the Haram, and, according to Jerome, on the very spot where had once been the Holy of Holies;^b but this statue (if, as is generally admitted, it was one of the two statues of Hadrian referred to by the Bordeaux Pilgrim,) was certainly without the temple of Jupiter Capitolinus, for the wailing-place of the Jews is described as "not far from the statues (non longe de statu lapidis pertusus, &c.);" whereas, had the statues been within the temple, the wailing-place must necessarily have been described as not far from the temple. If the statues therefore were without the temple of Jupiter, and yet within the Jewish temple, the Heathen temple could not have occupied the site of the Jewish temple. It may be remarked by the way that Jerome and the Bordeaux Pilgrim confirm each other; for if, as Jerome says, the statue was on the Holy of Holies, it follows that, as the Bordeaux Pilgrim states, it was near to the wailing-place; for the wailing-place at the foot of the Haram wall was the nearest accessible point to the Holy of Holies on the platform above.^c Another proof that the temple of Jupiter was not on the very site of the Jewish temple is this, viz.: Justinian afterwards built his church (now the Mosque el Aksa) at the south-west corner of the Haram; but here had stood the temple of Jehovah, and yet in the reign of Justinian that site must have been still unoccupied by any other edifice.

The temple of Jupiter, erected by Hadrian, was not then on the site of the Jewish temple. But further, Was Hadrian's temple anything more than an open inclosed space, with the image of Jupiter on a raised platform in the centre?

Within the outer walls of the Haram is at the present day a terrace 550 feet from

^a Dion. lxi. 12.

^b De Hadriani equestri statua, quæ in ipso Sancto Sanctorum loco usque in præsentem diem stetit. (Hieron. Comm. in Matt. xxi. 15.) Ubi quondam erat templum et religio Dei, ibi Hadriani statua, et Jovis idolum collocatum est. (Hieron. Comm. in Esaiam, ii. 8.) The latter passage is expressed in general terms only, as is evident from the statue of Hadrian and the image of Jupiter being coupled together, which were not both in the same place.

^c See Lewin, *Siege of Jerusalem by Titus*, pp. 135, 492.

north to south, and 450 feet from east to west, and averaging about 10 feet high, and in the centre of this is a rocky plateau 60 feet from east to west, and 50 or 55 feet from north to south, and rising about 5 feet above the general area;^a and we learn from Vitruvius that the image of Jupiter was always placed on the highest spot,^b and therefore if it stood on the Haram at all, it must have stood on the plateau of rock now called the Sakhrah. What, then, was the character of Hadrian's temple; may it not have been the sacred inclosure of the raised platform 550 by 450 feet, and may not the image have been erected on the smaller plateau in the centre of the platform? The reasons for doubting whether, notwithstanding the passage from Dion, Hadrian ever built a temple in the sense of a walled and roofed edifice, are these: Epiphanius in speaking of the restoration of Jerusalem under the name of Ælia, tells us emphatically that Hadrian was "minded to restore the city, but not the temple."^c No one could suppose that in planting a Grecian colony he would rebuild the Jewish temple, and it seems, therefore, to be implied that no edifice at all was substituted for that destroyed by Titus. Again, Eusebius, the historian and antiquary, records the fact that Hadrian banished the Jews from Judea, and planted the heathen city of Ælia on the site of Jerusalem, but makes no allusion to a temple to Jupiter, which he could scarcely have omitted had a temple of any great pretension risen under Hadrian's auspices. So Malala or John of Antioch, who is very careful to notice the architectural tastes of the Roman Emperors whose times he is describing, enumerates various monuments left by Hadrian, as a bath and aqueduct at Antioch, a theatre at Daphne, a temple at the same place, an image in the Shrine of the Nymphs there, and a temple at Cyzicus, &c., and then refers to Hadrian's planting of the Grecian city of Ælia, but not a word about the Temple of Jupiter, though had he erected so magnificent a one as the present mosque, Malala could scarcely have passed it over in silence. But the principal authority is a passage found in the Chronicon Paschale, which counts up the works of Hadrian at Jerusalem; and the Temple of Jupiter, as an edifice at least, is not amongst them. I think, however, it makes its appearance as an open sacred inclosure.

Some of the monuments referred to by the Chronicon Paschale have very much puzzled commentators, but by the light of modern exploration we can establish the identity of most of them. The words of the chronologer are as follows: "And (Hadrian) having razed the Temple of the Jews, erected in Jerusalem the

^a Lewin, Siege of Jerusalem by Titus, p. 462.

^b Lib. i. c. 7.

^c διανοεῖται οὐκ ὁ Ἀδριανὸς τὴν πόλιν κτίσαι, οὐ μὴν τὸ Ἱερόν Epiphan. de Pond. et Mens. s. 14.

two Publics (δημόσια), and the Theatre and the Tricamarum (τρικάμαρον), and the Tetranyphum (τετράνυμφον), and the Twelve-Gates before called the Steps (τὸ δωδεκάπυλον τὸ πρὶν ὀνομαζόμενον Ἀναβαθμοὶ), and the Quadra (τὴν Κόδραν)."^a The two Publics are of course public baths, and it reflects honour upon the ancients and discredit upon ourselves that a public with them meant a bath, and with us a pothouse. The site of the theatre is unknown. The Tricamarum has been hitherto a mystery, but we can now solve it. Καμάρα in Greek is an arch, and Τρικάμαρον, therefore, signifies the triple arch, and such is the arch of the Ecce Homo. Until recently the central arch only was known, but from the excavations made for the new building of the French Convent on the north side of the arch, it has been ascertained that the central arch was supported by a side arch on the north, and then, when attention was called to the subject, it was remembered that a few years before a corresponding arch on the south had been removed to make way for the erection of a small mosque.^b Thus at length the meaning of the Τρικάμαρον has been detected, and the arch of the Ecce Homo is ascertained to belong, as Dr. Robinson had conjectured from the style of it, to the Emperor Hadrian. The Tetranyphum may have been a temple to the Four Nymphs, as we have seen that Hadrian honoured the Temple of the Nymphs at Daphne; or the Tetranyphum may have been a temple whose vestibule or portico was supported by four caryatides. We come next to the Twelve-Gates, formerly called the Steps. The Ἀναβαθμοὶ or Steps are referred to in the Acts of the Apostles, for when Paul was hurried by Lysias across the Temple area and came to the "Stairs" on his way to Fort Antonia, he was carried up by the soldiers from the press of the multitude.^c The Temple occupied a square of 600 feet at the south-west corner of the Haram, and the Stairs, therefore, were at the northern side of the Temple; and at the distance of exactly 600 feet from the southern wall of the Haram are at the present day the "Stairs" or Steps for ascending the platform on which stands the mosque.

It is clear from the number of gates that the Dodecapylum, or Twelve-Gates, was not an edifice, and on entering the Haram you see at once the explanation. This elevated terrace, 550 by 450 feet, is approached on all sides by steps. Originally they were no doubt simply steps, but Hadrian improved them by adding portals overhead, and most of these portals, or their representatives, remain to the present day. Each side had anciently three gateways, making together the

^a Chron. Pasch. A.D. 119.

^b Lewin, Siege of Jerusalem by Titus, p. 202.

^c ὁ Παῦλος ἐστὼς ἐπὶ τῶν Ἀναβαθμῶν. Acts xxi. 40.

Twelve Gates, whence the name of Dodecapylum; and at the present day there are three portals on the west side, but some of the portals on the other sides have disappeared, as the whole number is now reduced to eight.* Until I met with this passage as to the Δωδεκάπυλον in the Chronicon Paschale, it was always a puzzle to me how this terrace or stage in the middle of the Haram was to be accounted for, as it is evidently artificial. There is nothing in Josephus that leads you to expect it; but, when we learn that the Twelve Gates or central terrace with portals at the landing-places was constructed by Hadrian, we at once hail the fact as a full and satisfactory explanation.

In connection with the Dodecapylum, the Chronicon speaks of the Quadra (Κόδραν), and some writers, unable to follow the meaning, have interpreted it the Mint, and take apparently κóδραν in the sense of κοδράντην, a farthing,—as if a mint could ever have been called after a piece of money, and that so insignificant a piece as a farthing! But κóδραν in Greek is senseless, and the word can only be the Latin *quadra*, a square; and, as it is mentioned in the same breath with the Dodecapylum, we may reasonably suppose it to have some connection with the Dodecapylum. Now the Sakhrāh, or central rock on the elevated terrace, has been “hewn vertical” on the north and west sides, in which direction the rock rises, as if to support some facing of stone;† and Edrisi, who wrote during the occupation of the Franks (A.D. 1154), describes “this stone as of a quadrangular form, like a shield, and as nearly cubical, the breadth being about equal to the length.”‡ Hence the inference that in the time of Hadrian the rock was cut into a square, or nearly so, and was called the Quadra, and that it supported the image erected on its summit to Jupiter.

I now pass on to the time of Diocletian, whose reign began A.D. 284. During the interval Christianity had been making steady progress, and heathenism had gradually waned. Local and temporary persecutions of the Christians had occurred, but maxims of policy had prevented the Emperors from commencing an internecine war in this world against those who fought from the 'vantage ground of the next. But in the latter days of Diocletian and Maximian, viz. in A.D. 303, a last and expiring effort was made against the new religion. Churches were razed to the ground; the Holy Scriptures were burnt by the common executioner; Christians who held any public office were degraded; and freedmen who maintained the Christian faith were again sold into slavery; and, what was a constant source of bitterness, Christians, however illtreated personally or

* Tobler's Top. Jer. 508.

† Barclay, 499.

‡ Pierotti, vol. i. p. 289.

defrauded as to their property, were prohibited from obtaining redress in the courts of justice. But further, all were ordered to do sacrifice to idols, and if they refused were committed to prison, and the more hardened offenders were burnt at the stake or led to the block^a. This state of things continued for two years, and then, to the world's amazement, Diocletian and Maximian, in A.D. 305, abdicated the throne, and Constantine and Galerius succeeded as the two Augusti, with Severus and Maximin, called Daza, as the two Cæsars. The persecution now abated in other parts of the empire; but in Syria and Egypt, which were allotted to the tyrant Maximin, the persecution was urged forward with increasing intensity.

Maximin Daza rose, or rather (as he had not the buoyancy of merit) was lifted by circumstances, from the meanest to the highest station. In his youth he had been a keeper of sheep, and was uneducated and grossly illiterate. As might naturally be expected, he was narrow-minded, and devoted to magicians and astrologers. He was so gloomily superstitious that he could not (it was said) move even his little finger without recourse to the oracles for advice.^b Invested with the supreme power over Syria and Egypt, he displayed his bigotry in the strongest colours. He entered heart and soul into the persecution which had been commenced two years before against the Christians, and during the eight years that he held the sovereignty he perseveringly exerted himself for the extinguishment of Christianity and the re-establishment of paganism. Gibbon justly remarks that he was "the last and the most implacable enemy of the Church." The means that he adopted for the attaining his purpose were these:—In every city priests were appointed for conducting the worship of the idols, and to each province was assigned a chief pontiff, to whom the priests of the different cities were subordinate; and the men selected for this superior and responsible office were those who had particularly distinguished themselves for their political ability, and also for their blind devotion to the cause of the old religion.^c The Christian churches that still remained were levelled to the ground, and in every city was kept a register in which the names of the inhabitants were enrolled; and they were cited man by man,^d and compelled to offer sacrifice to the idol of the place. Recusants were fined and imprisoned, or condemned to the public works,^e and in flagrant cases were committed to the flames, or subjected to excruciating tortures,

^a Euseb. Hist. lib. viii. c. 2.

^c Euseb. lib. viii. c. 14; lib. ix. c. 4.

^e Euseb. lib. viii. c. 13.

^b Euseb. lib. viii. c. 14.

^d Euseb. lib. viii. c. 4.

or decapitated. Thirty-nine were beheaded by the orders of Maximin in a single day.^a Amongst the martyrs who suffered in the course of this persecution was Valens, a deacon of Ælia, or Jerusalem,^b—so that the same dreadful scenes that prevailed elsewhere were also enacted in the Holy City. It is evident that so systematic and continuous a persecution must have produced corresponding effects; and, from the way in which Eusebius glosses over the apostacies and puts forward the martyrdoms, we may be sure that Christianity during the storm shrunk into the background, and paganism again raised its head.

Such is a general picture of the times under the sway of the tyrant Maximin Daza, and we can have no difficulty in applying the picture to the case of Ælia, or Jerusalem, in particular. Every Christian church must have been demolished, and the Temple of Jupiter Capitolinus must, in so important a city, have become a stately edifice,—the more so as Jupiter was not only the tutelary god of the city, but also of the Emperor himself. Both on coins^c and in edicts^d appears the name of Maximinus *Jovius*. I admit at once that no passage can be produced from any ancient author which records, *totidem verbis*, that Maximin either restored or rebuilt the Temple of Jupiter at Jerusalem, but the circumstantial evidence is as strong as if it were direct, if not even more so.

I find in Eusebius, who lived under the whole reign of Maximin and witnessed his persecution from beginning to end, and was Bishop of Cæsarea, the Roman capital of Judea, the following statement. "He (Maximin) ordered *temples* to be erected in every city, and the sacred *inclosures* that from length of time had fallen into decay he caused to be repaired."^e If, as is not improbable, Hadrian had planned the sacred inclosure or *τέμενος* without building the temple itself or *ναός*, this record of the historian that Maximin built the temples while he only restored the inclosures, would be singularly applicable to Jerusalem, but of course it makes no difference to our argument whether Maximin built or rebuilt the fabric. In another part of the same Eusebius, we meet with the following words: "Immediately therefore the edicts of Maximin were issued against us every where throughout the province (of Judea); and governors, and the commander-in-chief, by proclamations and letters and public ordinances, urged the magistrates and generals and notaries in every city to carry out the imperial mandate which

^a Euseb. lib. viii. c. 13.

^b Euseb. lib. viii. c. 11.

^c Eckhel, vol. viii. p. 52.

^d Euseb. lib. ix. c. 9.

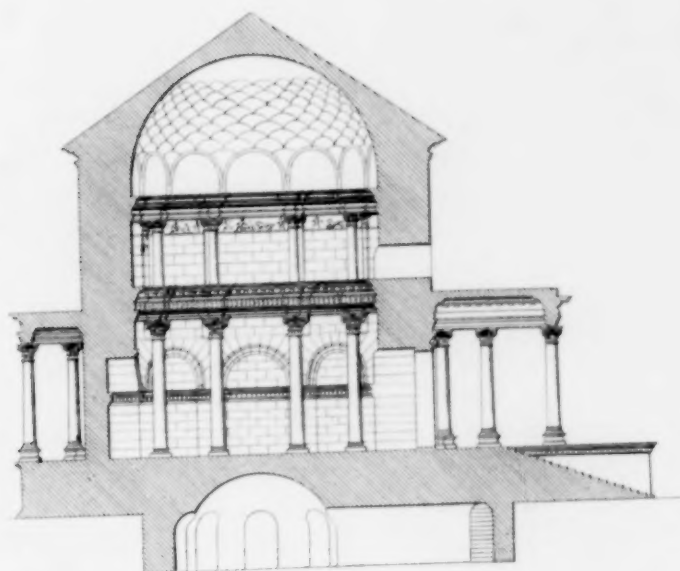
^e Νεὴς κατὰ πᾶσαν πόλιν ἐγείρειν καὶ τὰ χρόνου μήκει καθηρημένα τεμένη διὰ σπουδῆς ἀνανεοῦσθαι προστάτων. Euseb. lib. viii. c. 14.

ordained that, with all haste, the decayed temples of the idols should be rebuilt."* And again, "In every city priests were appointed for the images, and high priests over them by Maximin himself."† The argument therefore is simply this: it is stated repeatedly in general terms that Maximin either built or rebuilt the temples of the idols in every city in the province of Judea; and, if so, in Ælia or Jerusalem. But competent architects pronounce deliberately that the Mosque of Omar must have been built some time during the period from the commencement of the reign of Diocletian to that of Justinian, and nearer the former than the latter, that is, at the very time when Maximin Daza was sovereign of Judea and Egypt; and must we not therefore necessarily conclude that the edifice in question was one of the temples erected by Maximin?

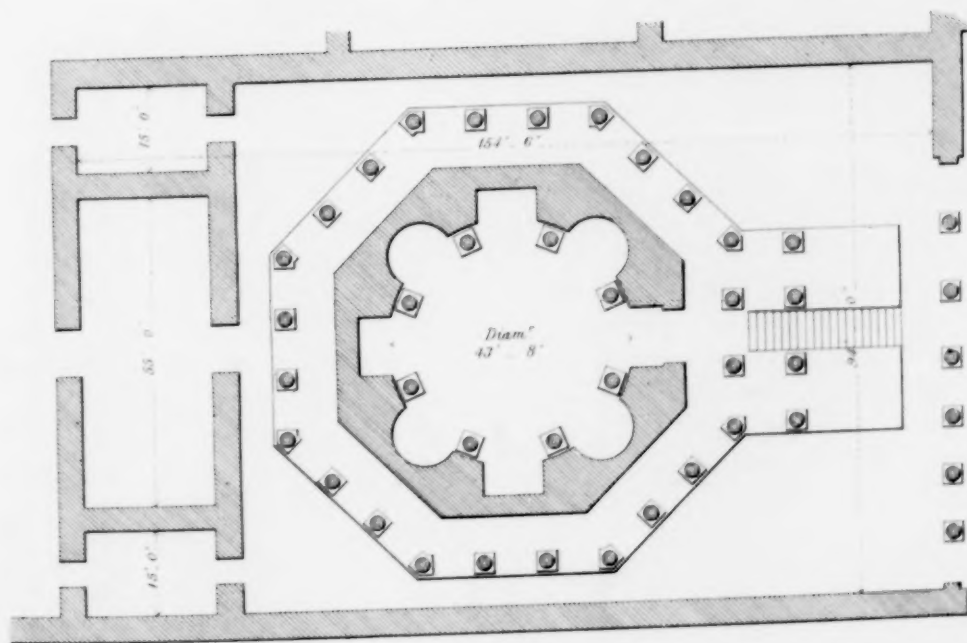
I possess no architectural knowledge myself and cannot judge of details of style; but, as an ordinary observer, and by the light of common sense, I think that, without descending into *minutiæ*, I can point out at least some peculiar features in the mosque which will serve to identify it as one of the temples of Maximin. I have already alluded to the name of Jovius as a title in which Maximin gloried. This title he derived from Diocletian, the founder of the fortunes of the reigning imperial family, including Maximin. As Jupiter therefore was the tutelary god of both Diocletian and Maximin, if perchance we could stumble upon a temple erected to Jupiter by Diocletian Jovius, we should expect to trace some resemblance between it and the building on the Haram, erected, as we suppose, by Maximin Jovius. It fortunately happens that a temple to Jupiter by Diocletian Jovius has been preserved to our own age in the Palace at Spalatro, the scene of the Emperor Diocletian's retirement after his abdication in A.D. 305. On examining the remains published at the close of the last century by Mr. Adam, a *quondam* Fellow of this Society, we shall be struck by the great similarity both in the general outline and in subordinate particulars. The ancients, as is well known, usually constructed their temples in the rectangular form, but occasionally they adopted the circular form. The Temple of Jupiter at Spalatro (Plate II.) is not rectangular but circular, or rather, to speak correctly,

* 'Αθρόως δ' οὖν αὐθις Μαξιμίνον διαφοιτῆ καθ' ἡμῶν πανταχοῦ γράμματα κατ' ἐπαρχίαν ἡγεμόνες τε καὶ προσέτι ὁ τῶν στρατοπέδων ἄρχειν ἐπιτεταγμένοι, προγράμμασι καὶ ἐπιστολαῖς καὶ δημοσίους διατάγμασι, τοὺς ἐν ἀπάσαις πόλεσι λογιστὰς ἅμα στρατηγοῖς καὶ ταβουλαρίοις ἐπέσπερχον, τὸ βασιλικὸν εἰς πέρας ἄγειν πρόσταγμα, κελεῦον ὡς ἔν μετὰ σπουδῆς πάσης τῶν μὲν εἰδώλων ἀνοικοδομοῖεν τὰ πεπτωκότα, &c. Euseb. De Mart. Pal. c. 9.

† 'Ιερεῖς δὲ κατὰ πόλιν τῶν Ἰουδαίων καὶ ἐπὶ τούτοις ἀρχιερεῖς πρὸς αὐτοῦ Μαξιμίνου. Euseb. Hist. Eccl. lib. ix. c. 4.



SECTION.



GROUND PLAN.

Roll Bro^s Lith London

TEMPLE OF JUPITER AT SPALATRO.

octagonal,^a and the Temple on the Haram is also octagonal. Is this the result of accident or of imitation?

Again, the Temple of Jupiter at Spalatro is in the Corinthian style, and the Temple on the Haram is also Corinthian. Is this also a mere fortuitous coincidence? Again, the Temple of Jupiter at Spalatro has a vaulted chamber under it, and the Temple on the Haram has also a vaulted chamber under the dome, viz. the cave under the Sakhras, which has given rise to so much controversy. Indeed, the resemblance between the two vaults is greater than would at first appear, for while the vault under the temple at Spalatro is arched, that under the temple on the Haram has at present perpendicular sides, but this has been satisfactorily accounted for by the discovery that the vault was originally arched, and that the perpendicular sides have been produced by slight walls of comparatively recent date, for the purpose of giving it, as was thought, a more symmetrical shape.^b

Another circumstance of resemblance is of a more general character, and has reference to the surrounding inclosure. The temple at Spalatro stands in a walled parallelogram with corner towers, and the principal approach to it is by a gate called the Golden Gate; and the temple at Jerusalem stands also in a walled parallelogram with corner towers, known as the Haram, and the principal approach to it was (for it is now closed) the gate on the east, called the Golden Gate; and what is remarkable, the two gates agree not only in name but also in their architecture, and have both been referred by competent judges to the period between Diocletian and Justinian, that is to the age of Maximin.

I have now to speak of a distinction between the two temples, and which will serve to explain what has hitherto been a perplexity, viz. why the rock Sakhras is found underneath the dome. The circular temples of the ancients are divided by Vitruvius into two classes; one of them was the peripteros or extra-colonnaded temple, and the other the monopteros or intra-colonnaded temple. The peripteros had a colonnade running round it on the exterior, and within the colonnade was the walled cella or sanctuary which contained the idol or image of the god. The monopteros had the wall on the outside, and the columns were within, and there was no cella or sanctuary as distinct from the rest of the temple. It was necessary, however, to provide a suitable repository for the sacred image, and this was effected by erecting under the dome and within the circular colonnade which ran round the interior a raised plateau ascended by steps, and in the centre of which was exalted the image. "Temples," says

^a Adam's Palace of Diocletian at Spalatro, from which the ground plan and section in Plate II. are taken.

^b Pierotti, vol. i. p. 87.

Vitruvius, "are also made in the circular form, of which some, having columns but no cella or sanctuary, are called *monopterae*, others are called *peripterae*." The Temple of Jupiter at Spalatro represents the peripteros style, as the colonnade is round the exterior, and the cella or sanctum is in the centre. The Temple of Jupiter on the Haram represents the monopteros style, as the wall is on the outside, and the colonnade runs round the interior.

"Those temples," continues Vitruvius, "which are made without the cella (that is the *monopterae*) have a tribune and steps a third part of their own diameter,"^b that is to say, the breadth of the tribune, including the steps, should be one-third of the whole diameter of the temple; and in Mr. Arundale's section of the mosque prefixed to Mr. Fergusson's Topography of Jerusalem, the breadth of the Sakhrah or plateau of rock is 62 feet, and the breadth of the whole building is 186 feet, so that the Sakhrah is just one-third of the diameter of the mosque. These proportions so singularly coincide with the directions of Vitruvius that we must be upon the right track. Vitruvius, in the following book, speaks of the corresponding tribune in the Temple of Augustus, and states it to be semi-circular;^c and it is not unlikely, to judge from the form of the Sakhrah, that while it was square on three sides, on the other, viz. the east, it was semi-circular. "The columns" (in the monopteros temple) continues Vitruvius, "must be mounted on pedestals;"^d and such are the columns in the Mosque of Omar; and the reason is obvious, viz. it was necessary to give the columns their full height in the monopteros temple, in order to counteract the depressing effect of the elevated tribune. In the peripteros temple, on the other hand, the direction is "Let there be two steps up to the terrace whereon stand the columns, and let the steps be from the foot of the pedestal,"^e that is, where the colonnade was on the exterior, and there was a cella but no plateau, so that there was nothing to depress the columns, the pedestals of the columns were not to stand on the terrace, but the foot of the pedestals and the lower step were to be on the same level, and the two steps were to rise between the pedestals. Another distinction arising from the different characters of the two temples was this: in the peripteros temple, as in that at Spalatro, where the colonnade was on the outside, the approach to the vault was also from the exterior; but in the monopteros temple, as in that at Jerusalem, where the colonnade was within, the entrance to the vault was also in the interior.

^a Vitruvius, lib. iv. c. 7.

^b Vitruvius, lib. iv. c. 7.

^c Vitruvius, lib. v. c. 2.

^d Insuper stylobatas columnæ constituentur. Vitruvius, lib. iv. c. 7.

^e Sin autem Peripteros ea aedes constituetur, duo gradus et stylobata ab imo constituentur. Ibid.

Let us follow Vitruvius a little further. The Image of Jupiter, he says, should be as high as possible,^a and the image should face toward the west, and the altar toward the east.^b In the Temple of Jupiter on the Haram, therefore, the image was erected with the face toward the west, and the altar on which the offerings were made was also on the west, that the worshippers might have the image of the god in front of them; and it is observed by Dr. Barclay that the Sakhrah on the west "has been nicely squared off and lowered," which he supposes to have been "done by the Crusaders when they covered the Sakhrah with white marble, and erected an *altar* upon it."^c But what he here refers to as the work of the Crusaders is much more likely a remnant of the ornamented tribune in Pagan times, when it supported the Image of Jupiter. Barclay adds, that "there are various recesses cut in the rock both above and below,"^d and these are no doubt the scars left by the various decorations with which the sacred tribune was anciently decorated. It is quite a mistake to suppose that the rock is undefaced and fresh from the hand of Nature. I have referred to the altar of offerings as within the temple, and I purposely so designated it to distinguish it from the altar for sacrifices, for the latter stood without the temple; and in Edrisi, the Frank writer (A. D. 1154), I find this: "The building contains four doors, and opposite the western is seen the altar on which the children of Israel offered their sacrifices."^e If Edrisi had said the altar on which the Pagans offered their sacrifices to Jupiter, he would have hit the mark.

Vitruvius, from the brevity of his description, omits to mention the vaults under the temples; but we have seen that the peripteros Temple of Jupiter at Spalatro has a vault under it, and the monopteros temple at Jerusalem has likewise a vault. Indeed, not only the circular temples but the square temples also had vaults,—at least in the rectangular Temple of Æsculapius in the Palace of Diocletian, built at the same time with that to Jupiter, there is a crypt beneath. A moment's reflection will tell us that it could not well be otherwise. From the constant influx and efflux of worshippers, the temples would require to be constantly cleansed, and even the sacred tribune and the image itself would call for occasional purgation. Where then should all the paraphernalia of purification be deposited, so as not to offend the eye? There must have been a lumber-room somewhere, and where could it be but in the vault under the temple? When we examine the vault under the Sakhrah, how admirably it is constructed for

^a Lib. iv. c. 8.

^b City of the Great King, p. 498.

^c Pierotti, vol. i. p. 289.

^d Lib. iv. c. 5.

^e Ibid.

these necessary uses! In the centre of it is a well for drawing up water from one of the aqueducts that run across the temple area; and not only so, but in the tribune above a circular orifice has been cut down to the vault, and corresponding to the well below, so that water could be readily drawn up, even to the tribune above, for the purposes of ablution. This explanation brings down the vault and the well to every-day life; but facts are facts, and history must prevail over legendary lore or ingenious conjecture.

On the death of Maximin, in A.D. 313, edicts were issued by Constantine and Licinius that Christians should enjoy toleration; and shortly afterwards, when Constantine became sole monarch, Christianity was not only tolerated, but fostered and encouraged. Paganism was not persecuted, as Christianity had been; but, while Christianity basked in the sunshine of imperial favour, paganism pined in obscurity under the cold shade of neglect. Churches now sprang rapidly into existence, but the temples were still open to the few heathen worshippers that frequented them. In some exceptional cases, where the whole population of a city became Christian, the temples by general acclamation, without any authoritative edict, were closed, and sometimes demolished. From the pious horror entertained by Christians against idolatry, the temples were seldom metamorphosed into churches. At Jerusalem, the very fountain-head of Christianity, we may reasonably suppose that idolatry now utterly ceased. Helena, the mother of the Emperor Constantine, visited the Holy City and threw down the idols, and Constantine erected the grand basilica already mentioned over the site of the Holy Sepulchre;^a but the Temple of Jupiter, though despoiled of its idol, was probably not converted into a church until the time of the Crusaders. Not only did a wholesome superstition prevent Christians from worshipping in the temple of an idol, but, as noticed by Dion, the tradition ran that the Temple of Jupiter had been founded by Hadrian on the very site of the Jewish temple; and it would have been thought a profanation to place the Lord's House on the site of that temple, of which not one stone was to be left upon another.^b

It was just twenty years after the death of Maximin, viz. in A.D. 333, that the Bordeaux Pilgrim visited the Holy City; and the Temple of Jupiter and the Golden Gate were then both standing, for they *still* exist. In my former paper I commented upon the account given by the Pilgrim of the basilica of Constantine, erected on the western ridge of Jerusalem; and I shall now advert shortly to the Pilgrim's remarks upon the Temple Inclosure on the eastern ridge.

^a Sulpic. Severus, lib. ii.

^b Eutychii Annal. vol. ii. p. 289.

I should premise that the Temple and the Golden Gate, however beautiful in themselves, appear to have had little attraction for the pious Pilgrim, in comparison with sites which were sanctified by tradition however monstrous. Taking his station on the Temple Platform, he points out the Pool of Bethesda on the side of the platform where the sick folk were healed—the high pinnacle at one of the angles where was the scene of our Lord's temptation—the great stone at the corner, the very one which the builders refused—the numerous chambers at the south-east angle now the substructions known as Solomon's Stables; and then he proceeds thus: "There, also, is the little chamber in which Solomon sat and wrote the Book of Wisdom, and the chamber itself is roofed by a single stone."^a This little chamber can be no other than the cave under the Sakhrāh, and it is curious to see how a marvel grows. The tradition then was, that it was roofed by a single stone, and the Mahomedan tradition is, that the stone hangs in the air and is self-supported! The Pilgrim is then led by the mention of the cave to speak of the aqueducts with which it communicated. "There, also," he says, "are vast subterranean reservoirs of water and pools constructed with infinite labour." He then proceeds thus: "And in the *temple* itself, erected on the site of the temple built by Solomon, on the marble before the altar, you would say that the blood of Zacharias was only just spilt. There appear also over the whole floor the marks, as if printed in wax, of the nails of the soldiers who slew him."^b

It is evident that the temple here referred to as then standing can be no other than the Temple of Jupiter, for the Pilgrim states that it stood on the site of the Temple of Solomon, and Dion tells us that the Temple of Jupiter had been erected on the site of the Temple of Solomon. Of course it could not be the Church of Constantine, for the Bordeaux Pilgrim and Constantine were contemporaries, and, if the tradition then was that the temple to which the Pilgrim refers stood on the site of the Jewish temple, it would follow that Constantine built his church, if this was it, on the site of the Jewish temple, and that the Sepulchre of our Lord was in the Jewish temple itself, which would be the height of absurdity. The Pilgrim too speaks in another part of "the crypt where our Lord's body was laid, and whence he rose on the third day, and in the same place (he continues), has lately been erected by command of the Emperor Constantine a basilica or Lord's

^a Ibi etiam constat cubiculus in quo sedit (Solomon) et Sapientiam descripsit. Ipse vero cubiculus uno lapide est tectus.

^b Et in aede ipsā ubi templum fuit quod Solomon aedificavit, in marmore ante aram sanguinem Zachariae ibi dicas hodie fustum. Etiam parent vestigia clavorum militum qui eum occiderunt in totam aream, ut putes in cerā fixum esse.

House of wonderful beauty." As the *church*, therefore, was erected over the traditional sepulchre, and the *temple* to which the Pilgrim refers was erected on the traditional site of the Temple of Solomon, the two buildings must have been perfectly distinct.

It may be observed by the way that, as the Pilgrim speaks of the basilica on the western ridge as "just built," but mentions the temple on the eastern ridge without any such remark, we may conclude that the latter was not a recent structure, and this agrees with the fact that it had been founded by Hadrian, and restored or rebuilt by Maximin. The Pilgrim makes no reference to the Golden Gate by that name, and yet an incidental notice proves that it was then standing, and that the Pilgrim passed through it. "Also," he says, "as you go out of Jerusalem by the Eastern Gate to ascend Mount Olivet, is the valley called Jehoshaphat, and on the left (where are the vineyards) is also the stone where Judas Iscariot betrayed Christ (that is, the Garden of Gethsemane), but on the right is the palm-tree from which the children carried branches and strewed them in the way of Christ; and about a stone's cast from thence are two monuments of wonderful beauty, in one of which is buried the Prophet Isaiah, which is truly a monolith, and in the other Hezekiah the King of the Jews." Now, as you go out by the present Eastern Gate, called the Gate of St. Stephen, the Garden of Gethsemane and the monuments referred to are both on the right hand, but one who passed out by the Golden Gate would have the Garden of Gethsemane on the left hand, and the monuments on the right. It is evident, therefore, that the Golden Gate, which has now for centuries been closed by the Mahomedans, was open in the days of the Pilgrim, and was the gate commonly used for ascending Mount Olivet.

From the establishment of Christianity as the state religion of the Roman empire, the Temple of Jupiter appears to have been closed against idolatry but not open to Christianity, except during the Crusades, and consequently to have fallen into decay; at least when the Mahomedans took possession of Jerusalem, it is represented as a chaotic mass of filth and rubbish.

It is not my purpose to follow the fortunes of the building further; my only object was to show on historical evidence that the architectural features of the mosque may well be referred to the period between the commencement of the reign of Diocletian and that of Justinian, and that it is in fact the Temple of Jupiter Capitolinus restored or rebuilt by Maximin Daza, the successor of Diocletian.

IX.—*On certain Letters of Diego Sarmiento de Acuña, Count of Gondomar, giving an account of the affair of the Earl of Somerset, with Remarks on the career of Somerset as a public man. By SAMUEL RAWSON GARDINER, Esq., in a Letter to C. KNIGHT WATSON, Esq., M.A., Secretary.*

Read March 22nd, 1866.

MY DEAR SIR,

I have the honour to lay before the Society of Antiquaries copies and translations of some original documents from the archives of Simancas and Venice, relating to the passage of English history which formed the subject of a communication from Mr. Spedding on the 1st of March of the present year, and in doing so I can only regret that they were not before Mr. Spedding at the time when he was drawing up his Paper. In that case they would not merely have been in the hands of one who was most capable of making the best use of them, but they would have fallen into their natural place in the narrative which he prepared. He would have found in them the strongest confirmation of many of his arguments; but, amongst the new facts which would have thus been at his service, he would not have encountered one to necessitate the withdrawal or even the modification of a single statement.

As the case stands, it will, I think, be best that I should consider the papers in question as in some manner a supplement to Mr. Spedding's paper; and that, instead of attempting to tell the story over again with a few slight alterations, I should address myself to a question relating to Somerset's conduct which has, as yet, been almost untouched.

The absorbing interest which has been attracted by Somerset's private life has, perhaps, led us to undervalue the importance of the part which he took in the political history of the country.

To understand what that part was it will be necessary to go back to the date of the arrival of Sarmiento in England, in August 1613. He had been sent as a man likely to be successful in preventing the breach between England and Spain,

which appeared to be imminent. Ever since Philip had refused to give his daughter in marriage to Prince Henry, excepting on the condition that the bridegroom would declare himself a convert to the Roman Catholic Church, James had been drawing more closely the bonds which united him to the German Protestants, had given the Princess Elizabeth to the Elector Palatine, and after the death of his eldest son had opened negotiations for a marriage between Prince Charles and the sister of the King of France.

If there was ever in this world a born diplomatist it was Sarmiento, the man who under the name of the Count of Gondomar became afterwards so renowned in England and the world. Behind the ready wit and the courtly manner of a polished gentleman he concealed the iron will and the steadfastness of purpose with which he held in the grasp of his witchery the vacillating mind of James. Still more his own was the consummate skill with which he read the characters of those with whom he had to deal, by which he was enabled in each particular case to cover his hook with the appropriate bait. That without which all these qualities would have been wasted, was the inexhaustible patience with which he could resign himself to do nothing when the time for action had not yet arrived.

The first nine or ten months which he spent in England were passed by Sarmiento in masterly inaction. He wished to engage James in a renewal of the negotiations for the marriage; but he thought, justly, that after what had passed any proposition coming from him would be regarded with suspicion. It would be supposed that his sole object was to throw impediments in the way of the French alliance, with the expectation that any offers which he might make would be repudiated at Madrid as soon as they had served their purpose.

At the time when Sarmiento arrived in England Rochester (as Somerset was still called) was in firm union with the Howards. The Essex divorce case had nearly reached its termination. Overbury was a prisoner in the Tower, and had three or four weeks still to live.

"This Rochester," is Sarmiento's account of him in his first despatch, "is not, as they tell me, ill inclined towards the Catholic religion, nor does he wish to persecute the Catholics.^a He is not ill affected towards your Majesty, for which reason he is opposed to the Duke of Lennox and Lord Hay, who are of the French party, and derive large pensions from France."

The state of parties in the council with respect to the cardinal point of foreign policy, the marriage of Prince Charles, is described in Sarmiento's despatch of

^a Sarmiento to Philip III. August 27,
September 6, 1613, Simancas MSS.

the 15th of January.^a Archbishop Abbot and the Chancellor Ellesmere stood alone in demanding that the future Queen of England should be a Protestant. The Scotchmen Lennox and Fenton upheld the traditional policy of their country, and with Lord Zouch and Sir Julius Cæsar supported the French alliance. The Howards, Northampton, Suffolk, and Nottingham, together with Suffolk's son-in-law Lord Knollys, Worcester, who was a confessed Roman Catholic, and Lord Wotton, who secretly held the same faith, now that a Spanish match seemed to be impossible, had fallen back upon a project of a marriage with a Princess of the house of Savoy. It was with this last party that Rochester had now identified himself since he had formed the design of marrying Lady Essex, the daughter of the Earl of Suffolk.

For the first four months after Sarmiento's arrival, however, no very close intercourse sprung up, so far as we know, between the favourite and the Spanish ambassador. On the 26th of December the marriage between Rochester, recently created Earl of Somerset, and the divorced poisoner of Sir Thomas Overbury, was solemnised at the Chapel Royal. Amongst the crowd who hastened to heap presents at the feet of the bride and bridegroom was to be found the Spaniard, who brought a jewel valued at 780*l.* for the Earl, and diamonds valued at 768*l.* for the Countess.^b Somerset, before venturing to accept the gift, asked permission of the King to do so.^c

A few days however after the marriage an overture was made by Somerset to the ambassador. He sent Cottington, who had recently been employed as English agent at Madrid, to recommend him to ask for an audience, in order to influence the King against the French alliance. Sarmiento knew his own business far too well to comply with this request.^d

On the 5th of April Sir John Digby, the ambassador at Madrid, returned from Spain in order to give account to the King of the names of the English pensioners of Spain. On the list which he produced were to be found four names of persons still alive and actually in receipt of Spanish gold. They were those of the Earl of Northampton Lord Privy Seal, of Sir William Monson the Admiral of the Narrow Seas, of Mrs. Drummond the confidante of the Queen, under whose influence Anne had all but openly declared her adhesion to the Roman Catholic Church, and of either the Earl or the Countess of Suffolk; for it

^a Sarmiento to Philip III. January 1st, 1614, Simancas MSS.

^b Accounts of Sarmiento for the year ending February 1st, 1614, Simancas MSS.

^c Sarmiento to Philip III. May 1st, 1616, Simancas MSS.

^d Sarmiento to Philip III. January 1st, 1614, Simancas MSS.

is not certain whether in this, as in the case of the charges which cost Suffolk his office four years later, the money accepted in his name was not in reality pocketed by his avaricious and intriguing wife. Some of the pensioners were now dead; amongst them were to be found the honoured names of the Earl of Devonshire the conqueror of Ireland, of the Earl of Dorset the Lord Buckhurst of Elizabeth's court, of the Earl of Salisbury the foremost statesman of the early years of James's reign, and of Lord Kinloss and the Earl of Dunbar the most trusted of his Scottish councillors. Others, such as the Earl of Nottingham, Lord Haddington, Sir Thomas Lake, and Sir James Lindsay, had either relinquished or forfeited their pensions for reasons which cannot at present be in every case ascertained.^a

Such a discovery would under ordinary circumstances have disposed James against Spain, and would have rendered Sarmiento's efforts to entangle him in a Spanish alliance hopeless. But within six weeks after Digby's arrival James had quarrelled with the House of Commons, and was anxiously looking to a policy of conciliation towards his Roman Catholic subjects as a means of counterbalancing the power of the malcontents in Parliament. Toleration, granted not from a sense of justice but for the furtherance of political objects, would have been a very questionable policy. What James proposed to do was something far worse; he proposed to conciliate not his own Roman Catholic subjects, but the King of Spain. Their position for the present was to be something like that of prisoners in old sieges, led out to be tortured before the walls in order to induce the garrison to capitulate. Not a fine was to be remitted, not a priest was to be released from prison, until the King of Spain would consent to give his daughter to the Prince, and with her a portion, far larger than the King of France had offered, which would be sufficient to pay the King's debts and to release him from dependence upon Parliament.

James accordingly sent for Sarmiento and recounted to him his difficulties. Thus urged, the ambassador, who had held his tongue for nearly ten months, now broke silence; James listened to his vague professions of the friendliness of the King of Spain, and the Parliament of 1614 was dissolved.

What the Spanish Government meant by according to Sarmiento permission to prepare the way for negotiations on the marriage treaty may be learned from the correspondence by which this permission was preceded and accompanied. One only consideration induced Philip III. to waive his demand that Charles

^a No account of Digby's communication has reached us, but, as copies of the lists of pensioners still preserved at Simancas were undoubtedly in his hands, there can be no doubt what its tenor was.

should abjure his Protestantism; and that was the assurance that the terms upon which the marriage was to be concluded would ensure, at no distant period, the return of England to its ancient submission to the see of Rome. If Sarmiento urged the acceptance of James's offer, it was on the ground that a mere connivance by the King at the non-execution of the penal laws against the recusants would be sufficient to secure the conversion of England; for it was a fixed belief with him, as with most Spaniards, that if once freedom of discussion was allowed to the clergy of his own church, it was impossible for Protestantism, which in his eyes was nothing more than a mere congeries of absurd opinions, to hold its ground.

Whilst the Spanish Council of State was discussing the terms of the alliance, Somerset was, if possible, rising in the favour of the King. On the 10th of July the Earl of Suffolk was made Lord Treasurer, and Somerset himself became Lord Chamberlain in his father-in-law's place. Sarmiento saw the advantage of drawing closer the bonds which united him to the powerful favourite. He proposed^a to his master that the pension of 1,500*l.* a year which had been vacated at Salisbury's death should be transferred to Somerset, and that a smaller pension of 500*l.* should be granted to Sir Thomas Lake, the candidate of the Howards for the vacant Secretaryship of State. Popular historians are accustomed to set down Sarmiento as the most profuse of ambassadors. The truth is that this 500*l.* a year, paid for about three years and a half to Lake, was the only pension paid at his request by the Spanish Government. Somerset's disgrace put an end to his pension before the first term of payment came round, and, though the name of Buckingham was almost immediately substituted for his, the new favourite resolutely refused to touch a penny of the money.^b

On the 4th of November we find Somerset engaged in a confidential conversation with Sarmiento on the marriage; Sarmiento told him that if only matters of religion could be accommodated, he did not doubt that the King of Spain would listen to the offer. Somerset replied that he would do his best to bring about an agreement.^c

Meanwhile Digby, who had returned to his post at Madrid, was pushing forward the negotiations in an unofficial manner. Digby's position towards the match was peculiar. What it was may be best learned from a letter

^a Sarmiento to Philip III. October 17, 1614, Simancas MSS.

^b Notes to the accounts of the Spanish Embassy in England, August 14, 1622, Simancas MSS.

^c Sarmiento to Philip III. November 13, 1614, Simancas MSS.

written by him to Prince Charles in the spring or summer of 1617. It ran as follows* :—

SIR,—The opinion that I have ever presumed humbly to offer unto his Majestie concerning your Highnes marriage hath beene that bothe in regard of conscience and satisfaction to his Majestie's people and allies, as likewise for the securitie and quiett of his Majestie's Estates, that your Highnes mighte take to wife some Protestant Princesse, although shee were neyther daughter to a King, or had any so ample portion as mighte relieve the King's present necessities; for that there might many meanes bee found for helping of the King's wants, either by some few years' providence, or by the joining of the affection of the people to the supplying of his Majestie by the way of subsidies in Parliament. Whereas contrariwise yf the number and power of the Papists shall bee increased, as undoubtedly yt will bee by your Highnes matching with any Catholic Princesse whatsoever, through the commerce which must bee of necessitie for the exercise of her religion for herselfe and familie within your Highnes Courte; and thereby by degrees these two different Religions shall growe to an equalitie of power, which will bee of greate hazard and disquiett to the State, and not to bee redressed without great danger and courses of greater violence then is proper or usuall for this State to putt in practise. But, in case his Majestie out of his wisdom and considerations best knowne to himselfe, holde yt fittest that your Highnes matche with France or Spayne, or any other Catholick, eyther for that the present tyme affordeth no Protestant Princesse which is for yeares or blood suitable to your Highnes, or that can in any considerable measure by her portion supply his Majestie's present want, I then conceive that the matche by which this State shall suffer leaste inconvenience and cumber, and whereby your Highnes' issue will have the moste undoubted and unquestionable royall blood; and whereby his Majestie's necessities shall (by the greatness of the portion) bee the most relieved, is with Spayne; yf such a matche may bee made with suche conditions of religion as other Catholick Princes will content themselves withall. Thus much I thought fitt humbly to present unto your Highnes, for that I see my employment lyable to the censure of many worthy and religious men; with whom though I concur in my opinion, yet I seeme muche to differ from them in my wayes. For that yt is more proper for mee to be true to my master's ends and service then by declaring this to procure theyr satisfaction. Only to your Highnes I thought fitt to make this declaration; and shall bee a suitor for your favour, as you shall see me really labour to putt this in effect. And yf his Ma^{tie} shall eyther upon motion of Parliament, or any other proposition that shall be made unto him, thinke yt fitt to proceede with a Protestante matche, as I shall wishe as well unto yt as any man living, so I hope in suche sorte to manage the present busines that I have in hand, as yt shall rather muche further, then in any way crosse or hinder yt. But in case his Majestie shall not bee drawn to hearken to any proposition for a Protestant matche, I then conceive that your Highnes bothe dothe and will approve that I

* The letter as here printed is taken from a copy preserved in the writer's defence of his conduct, written in 1624, Tanner MSS. lxxiii. fol. 449. The fact that this defence was to come under the then hostile eye of the Prince is a sufficient guarantee for the correctness of the copy. The letter was afterwards laid before Parliament in 1626, and is to be found printed in the *State Trials* (ii. 1408), with several verbal discrepancies, and with the omission of one clause:—"and whereby your Highnes' issue will have the most undoubted and unquestionable royall blood."

really and effectually labour to procure a matche for your Highnes with Spayne upon such conditions in point of religion and portion as to his Majestie shall seeme fitt.

With such opinions it can hardly be wondered that Digby, upon his arrival at Madrid, was in a critical mood, and by no means ready to embrace the whole scheme of the Spanish Government.

The consequences of Digby's scrupulousness will be best told in the words of Sarmiento's despatch^a of the 18th of April, 1615, especially as the story affects the history and in some respects the character of a man so deservedly respected as the antiquary Sir Robert Cotton.

"This King and the Earl of Somerset," he writes, "have sent in great secrecy by Sir Robert Cotton (who is a gentleman greatly esteemed here, and very curious about manuscripts, with whom the King has deposited all his archives), to tell me what Sir John Digby has written about the marriage of the Infanta with this Prince, informing me that he was greatly pleased that the negotiation had been so well received in Spain, because he desired its conclusion and success. He enlarged upon the conveniences of the marriage, but said that the King considered that Digby was not a good negotiator, because he was a great friend of the Archbishop of Canterbury and the Earl of Pembroke, who were of the Puritan faction, and was in correspondence with them. This, he said, was very inconvenient, because the King could not speak clearly in matters of religion, nor say or do that which he wished, which was that everything should be done so as to give satisfaction to your Majesty; because it might be that the ambassador would discover it to these other people, and would thereby cause commotions and rebellions in this kingdom, which would be hurtful to himself, to it, and to the business.

"And that therefore it was convenient to treat in great secrecy, so that nothing might be known till it was concluded, and that when it was all arranged this inconvenience would be at an end, because the union settled with your Majesty would give him such force and authority that the malcontents would not dare to execute anything to his hurt.

"In order to make a beginning, he must beg your Majesty to answer three questions. In the first place,—Does your Majesty believe that with a safe conscience you can negotiate this marriage? In the second place,—Is your Majesty sincerely desirous to conclude it upon conditions suitable to both parties? In the third place,—Will your Majesty abstain from asking anything in matters of religion which would compel him to do that which he cannot do without

^a Sarmiento to Philip III. April 18, 1615, Simancas MSS.

risking his life and his kingdom; contenting yourself with trusting that he will be able to settle matters quietly? When an answer is given to these questions he will consider the matter as settled, and will immediately give a commission to the Earl of Somerset to arrange the points with me.

"This Sir Robert Cotton is held here by many to be a Puritan, but he told me that he was a Catholic, and gave me many reasons why no man of sense could be anything else.

"That which I hold to be certain is, that, because Somerset is not a friend of Sir John Digby, he is trying to take the negotiation out of his hands, thinking that, merely by treating concerning it, Digby will gain influence, and much more if it is concluded by his means; and that he himself will obtain authority if it passes through his own hands, and that he will thereby preserve the favour of the King, of which he has suspicions; and that for these reasons he cherishes the King's jealousy of Sir John Digby."

Towards the end of the letter he writes, "Sir Robert Cotton, who has treated with me in this business, tells me that after the marriage is agreed upon, before the Infanta arrives in England, matters of religion will be in a much improved condition, and so your Majesty will be pleased to keep Digby in good humour, and to go on with the negotiations both here and there in such a manner that we can make use of them as is most convenient, for, whatever they may tell me, if Digby writes against the marriage he will throw everything into confusion."

Of Cotton's share in the business there can be no doubt whatever. From a letter written by him to Somerset, evidently during this very month, which is to be found amongst the Harleian MSS.,^a we know how completely he made himself the mouthpiece of Sarmiento's policy. It was now only twenty months since he had drawn up, it is said at the King's request, a treatise, in which he had argued, it is true, that it was better that the Catholic priests should be imprisoned than that they should be put to death; but he had argued his case from a decidedly Protestant point of view, and had taken care to put himself forward as a thorough, if not an extreme, Protestant. It is certainly possible that he may, in the course of twenty months, have changed his opinions; but Sarmiento's expression, that "he is held by many to be a Puritan," renders it, I fear, hardly necessary to have recourse to such an explanation of his conduct.

Somerset's position is equally clear. He had placed himself at the head of the Spanish and Catholic party in England.

^a 7002, fol. 378.

The King's intentions are more difficult to unravel. But at all events the arrival of fresh despatches from Digby forced him to reconsider his position. They contained the points which had been set down in Spain as the basis of negotiation, with Digby's notes written on the margin. Whether it was that Digby's observations struck his fancy, or that the Spanish Articles, now that he saw them for the first time in black and white, disgusted him, it is certain that the shrewd notes which he himself scribbled down by the side of the page showed no readiness to give himself blindly up to Somerset's schemes.

The Articles, with the two sets of notes, are as follows* :—

ART. 1.

The theologians have found many difficulties touching the marriage, but no impossibilities; these may be overcome according to the greater or less advantage given to the Catholic Religion; and the whole matter is to be arranged with the dispensation of the Pope, and by throwing ourselves at his feet.

Digby's Note.

Although many and very learned Catholics are of opinion that in this case, in which so many and clear advantages are to result to the Catholic Religion, the marriage can be lawfully contracted, even without the Pope's dispensation, yet in this His Majesty proceeds in accordance with his prudence and piety, taking the step which is most safe for his conscience, and which will give the greatest satisfaction to the world. However, it seems just that His Catholic Majesty should obtain from the Pope, before the formal negotiation of the marriage commences, such assurances that the King of England may be certain that, after the conditions are agreed to, everything will not become void by the Pope's refusal to meddle with it.

The King's Note.

Let the King of Spain procure what dispensations he pleases, as may suit his conscience, it being a thing with which I have nothing to do.

ART. 2.

The education of the children is to remain in the charge of the Infanta, as is the law of the Church; and if this is not allowed, let them be left to follow which religion they please, without being compelled to anything.

ART. 3.

They are to be baptized according to the use of the Roman Church, and by a Catholic minister.

* Paper relating to the marriage, March 1593. The King's notes undated, but before May 20, 1615, Simancas MSS. This paper, and all others which I have quoted from the Simancas Archives, are in Spanish. For the translation I am answerable.

Digby's Note on Articles 2 and 3.

As to the education of the children, it seems that it can be capitulated that they are not to be forced and compelled to be otherwise than Catholics; and as for their baptism, after the use of the Roman Church, and by a Catholic minister, it seems to him that in consideration of the state in which things now are it would be well to have no public agreement on this point, as this is a public ceremony at which the greater part of the realm is accustomed to assist; besides that the Catholic Church holds the baptism which is at present in use in England to be valid and effectual, and so he is of opinion that the Article should stand thus:—"The children of the marriage are to be left to follow whichever religion they choose, without being compelled to anything."

The King's Note on Article 2.

It is clear that I, too, shall be careful to instruct my children in my religion, since I am as confident of its goodness as the King of Spain is of the goodness of his; yet there shall be no compulsion on one side or the other.

On Article 3.

The children are to be baptized after the use of England.

ART. 4.

If the children of this marriage are Catholics, they are not therefore to lose their right to succeed to kingdoms and lordships of their father.

Digby's Note.

In this all possible security will be given.

The King's Note.

The laws of England teach and oblige subjects to obey their King of whatever religion he may be. It is only the Jesuits who teach the contrary.

ART. 5.

The Infanta shall take her household with her, who are to be Catholics, down to the servants of her servants.

ART. 6.

The wet-nurses of the children are to be Catholics, they too being of the household.

Digby's Note on Articles 5 and 6.

The Infanta may choose her own household, and the wet-nurses are to be chosen with her consent, and to be of her household.

The King's Note on Art 5.

All who are brought by the Infanta as of her household are to have liberty of religion.

On Art. 6.

The wet-nurses to be such as the physicians shall choose on account of their good health.

ART. 7.

The chapel is to be large, free, and public, and there are to be administered the sacraments and offices in accordance with the use and the ceremonies of the Roman Church.

Digby's Note on Article 7.

The place to be appointed for Divine worship is to be decent, large, free, and public for all those of the Infanta's household, and in it are to be celebrated the sacraments and offices according to the use and the ceremonies of the Roman Church.

The King's Note.

The Infanta is to have a large chapel or oratory.

ART. 8.

If the Infanta has a particular or private oratory, there shall be a public church for all the household, where the sacraments are to be administered and the dead Catholics of the said household interred; and the public exercise of Divine worship is to begin as soon as the Infanta enters England.

Digby's Note on Article 8.

A consecrated place is to be set apart for the interment of the dead of the aforesaid family, and Divine worship is to commence when the Infanta enters England.

The King's Note.

The household will not have any other church or chapel, but a decent place to bury their dead in.

ART. 9.

Ecclesiastical and religious persons of the Royal household are to go about in their proper habits.

Digby's Note on Article 9.

In this it seems there will be no difficulty worth speaking of.

The King's Note.

It will cause scandal.

ART. 10.

After the dispensation has been granted by his Holiness, the marriage is to be celebrated here in Spain per verba de presente, by proxy, according to the law of the Council of Trent, and the years and ages are to be without supplement, waiting the ten days; and the Infanta shall receive the nuptial benediction.

Digby's Note on Article 10.

As this proposal is totally new, no answer is given to it, yet it seems that it will be easy to understand that many difficulties may arise from it.

Note to the words "years and ages."

He thinks that within this time it will be desirous that the betrothal shall take place.

The King's Note.

They can be married in Spain cum verbis de præsente, and by proxy, yet they will also have to be married personally by an English Bishop.

ART. 11.

That amongst the Catholic ministers there is to be one who has jurisdiction, in order that, in case it shall be necessary, he may correct any of the household who may offend in anything touching our holy faith and religion.

Digby's Note on Article 11.

Amongst the Catholic ministers is to be one who has the necessary power and authority for the necessary government of the rest, and of the household, in all things touching our holy faith and religion.

The King's Note.

They may have the government and rule which they wish.

ART. 12.

Pledges are to be given us that these conditions will be kept.

Digby's Note on Article 12.

In this it seems that when the rest is settled entire satisfaction will be given on this head.

NOTE.

The question of toleration of our religion is not treated here, because it is a thing which has been offered already.

Digby's Answer to the Note.

I do not know what has been offered in England on this head; but I think that nothing is to be said about it in the way of capitulation, but that his Catholic Majesty will urge the King of England secretly to connive at the non-execution of the laws against the Catholics.

In the copy sent to England the following Articles were substituted for the Note:—

ART. 13.

The Catholics are to be permitted by connivance and forbearance to live in the Catholic religion.

ART. 14.

The execution of the laws against them is to be suspended, the officials not being permitted to vex them.

The King's Note on the Articles 13 and 14.

To this no answer is to be given till we have agreed upon the rest.

Digby's notes are no doubt in accordance with the instructions which he received when he left England. With the unexpected roughness of James's replies Sarmiento was at first puzzled. He was not long in discovering, however, that the change was not owing to any large and worthy motives: partly, James was frightened by the trial of Owen, who had just been convicted of high treason for saying that "the King, being excommunicated by the Pope, might be lawfully deposed and killed by any whatsoever," and partly by the thought that the alliance upon which he had set his heart might turn out to be in the interests of his son rather than in his own. Might not Charles, strong in the support of the King of Spain and of the English Catholics, be persuaded to head a rebellion against his own father? James saw, in the not-distant future, his own dethronement, and he pictured himself as an old and worn-out man, reduced to end his days in a dungeon, of which his son and the wife with which he had provided him would keep the keys. It would be well if that were all; for, as he was heard to say, a deposed king might easily be murdered by his own children. On another occasion he pointedly asked Sarmiento what possible motive Charles V. could have had for abdicating in his son's favour, in a tone which convinced Sarmiento that he had no intention of imitating the example of the Emperor.

On the 22nd of June, however, all this hesitation was at an end. How James got over his scruples we do not know; but it is certain that on that day Cotton returned to the ambassador and told him that, with some not very important modifications, the King was ready to take the Articles for the basis of negotiations.

As soon as Cotton had made this announcement, Sarmiento tells us "he said that the Earl of Somerset had set his rest upon it, and had gained over the Duke

of Lennox, and had induced him to persuade the King that the Spanish alliance was better than one with France; the Earl of Somerset having run the risk either of improving his position and strengthening himself if it succeeded, or of ruining himself if it failed. Cotton concluded the conversation by telling me that he was mad with joy at seeing things brought to this state, as he did not wish or desire anything more than to live and die an openly professed Catholic as his fathers and ancestors had done."

"Upon this," continues Sarmiento, "I gave him an embrace, telling him that God would guide everything as was most conducive to His holy service."

And so, leaving Cotton and Sarmiento locked in one another's arms, we may let the curtain fall upon the first act of the long drama of the Spanish match.

How far James was betrayed by Somerset,—whether the favourite exceeded the instructions which were given him, are questions to which we cannot give any certain answer. Sarmiento, indeed, writes on the $\frac{1}{14}$ of May, that Cotton had been arrested "because the King says that he exceeded his instructions, and some have tried to prove that it was by Somerset's orders: however, Cotton being examined very particularly on this subject, has said that the King himself gave him his instructions to speak as he did, as he believes, and as far as he can recollect; but that it may be that he misunderstood him."^a

It must be remembered that Cotton had lately been engaged in antedating letters for his patron, so that his character for truthfulness cannot be rated very high. But there is something more than mere negative evidence in James's favour. When he received Digby's despatch^b of the 16th of December, in which Somerset's proceedings were unveiled, "The next day, in the afternoon," according to Sarmiento, "he summoned the Chancellor and my Lord Coke, and, although he was confined to bed by the gout, he was conversing with them with closed doors the whole afternoon; and the result of this consultation was, that the Chancellor and the Chief Justice sent for the Lieutenant of the Tower, and ordered him to arrest Sir William Monson, on the pretext that Sir William Monson had spoken and talked about his brother's pension—that if his brother were executed, he would have to die with him. This, however, was an invention."

Sarmiento then goes on to say that the truth was, that there was a desire to investigate the real history of the pensions.^c

Now, considering that Digby's despatch contained, also, a complaint against

^a Sarmiento to Philip III. May $\frac{1}{14}$, 1616, Simancas MSS.

^b Digby to James I. December 16, 1615, State Papers. Spain.

^c Sarmiento to Philip III. January $\frac{3}{10}$, 1616, Simancas MSS.

Somerset for taking the negotiation out of his hands, it seems highly improbable that James, if he had anything to conceal, would have put the matter before Ellesmere and Coke. If he had wished to hush the matter up, nothing would have been more easy. Digby was emphatically what is sometimes called "a safe man"—a hint from the King that he was to ask no questions would have been enough for him.

But, whatever may have been the truth about James, this at least is plain, that it is Somerset, and not the King, who was from beginning to end regarded by Sarmiento as the main support of the alliance. Such being the case, it is equally plain that it was not merely from personal dislike of his unendurable arrogance that the party was formed by which he was hunted down, and which welcomed a charge against him of making away with the crown jewels in the summer, and a charge of poisoning in the autumn, of 1615; in the same way that Buckingham welcomed a charge of embezzlement against Suffolk in 1618, and that the House of Commons welcomed a charge of bribery against Bacon in 1621. In those days a criminal prosecution was the readiest way of waging political warfare.

The Spanish negotiations were to drag their weary length along for eight more years. But never for a moment after Somerset's fall did the Spanish Government venture seriously to hope for the conversion of England. It soon came to be regarded by Philip and his ministers simply as a bait to be dangled before the eyes of James, by which they might influence his foreign policy, and might hinder him from embracing the cause of the German Protestants.

Yours faithfully,

S. R. GARDINER.

APPENDIX.

1.

Diego Sarmiento de Acuña to the Duke of Lerma.

October $\frac{20}{30}$, 1615.

[Archives of Simancas, 2594, fol. 40.]

En algunos despachos he ydo dando cuenta a V. E. de la fortuna del Conde de Somerset, y de la fuerza que han ydo cobrando contra el sus enemigos, y en carta de 28 de Julio dixe a V. E. como Homero me havia dicho que pretendia el Conde que el Rey le diese un perdon general con el sello grande, y que entendia que se lo havia concedido.

Fue assi, y el Rey le dio su perdon firmado de su mano y sellado con su sello privado, ordenando al Gran Canciller que le despachase el privelegio con el sello grande (que es cosa necessaria en este Reyno para que las escrituras y mercedes sean irrevocables). El Chanciller no le quiso passar, y dixo que daria cuenta al Rey y al Consejo de las causas en que lo fundaba, y quitando el Rey el Consejo, el dia que se partio aqui para su progreso (que fue a 30 del mes de Agosto) le hizo el Somerset una oracion que el Rey mismo le avia ordenado (segun tambien me han dicho), diciendo

In some of my despatches I have given account to your Excellency of the fortune of the Earl of Somerset, and of the increasing strength of his enemies; and in a letter of the $\frac{13}{30}$ of July, I informed your Excellency that Homer* had told me that the Earl demanded that the King should give him a general pardon under the great seal, and that he understood that his request had been granted.

This was the case, and the King gave him a pardon signed with his hand and sealed with the privy seal, ordering the Chancellor to pass the patent under the great seal, which is necessary in this kingdom to make grants and concessions irrevocable. The Chancellor would not pass it, and said that he would give account to the King and the Council of the reasons upon which his refusal was founded; and as the King was leaving the Council, the day on which he set out for his progress, which was the $\frac{30}{30}$ of August, Somerset made him a speech, which had been arranged, as I

* This is one of the nicknames employed in this correspondence. I do not know who the person signified is.

que la malicia de sus enemigos le havia forzado a pedir el pardon, alegando razones de la inocencia, y supplicando al Re que mandase al Chanciller que si savia algo contra el, lo dixere alli, y si no, que pusiese el sello. El Rey, sin consentir que hablase nadie, dixo mucho en alavança de Somerset, concluyendo con que havia hecho muy bien en pedir el perdon, y que el se le havia dado con mucho gusto, no porque lo haviese menester en sus dias, que desto bien seguro estaba, y se lo dezia assi, para que se desengañasen todos; pero que queria que el Principe que estaba presente, poniendo le el Rey la mano y diziendo, para que este no pueda deshazer lo que yo he hecho; y volviendose al Chanciller le dixo, "y asy, Milor Chanciller, poned luego el sello, que esta es mi voluntad."

El Chanciller se hincó de rodillas, suplicando al Rey le oyese las causas que tenia para no poner el sello, ponderandolas, y diziendo que las clausulas que llevaba eran cosas generales, y sin exception nunca vistas, añadiendo que, pues el Rey havia hecho al Conde de Somerset guarda y alcaide de su palacio, desseaba saber si era su voluntad darle las joyas, colgadas, tapicerias, y todo lo que havia en palacio, pues mandaba en el perdon que no se le pudiese pedir quenta de nada, concluyendo con suplicar al Rey que, pues daba este genero de pardon a Somerset, y queria que el lo pasase, le diese al mismo Chanciller orden por escrito, perdonandole el delito y culpa de pasallo; pues de otra manera no lo podria hazer, ni lo havia; de que el Rey se enfado mucho; diziendo que el mandaba que lo pasase, y que lo pasase. Levantandose con esto del Consejo, y entrandose en su aposento; pero sabiendo la Reyna, fue luego al Rey, y ella y los enemigos de Somerset hizieron tales dili-

was told, by the King himself, saying that the malice of his enemies had forced him to ask for a pardon, giving reasons to prove his innocency, and praying the King to order the Chancellor, if he knew anything against him, to say it there. The King, without permitting anything to be said, spoke at length in praise of Somerset, concluding by saying that he had done very well in asking for a pardon, and that he had granted it to him with great pleasure, not because he would have any need of it in his own days, for during his life he was quite safe (and this he said in order that they might all undeceive themselves), but because he wished that the Prince (who was present)—here the King put his hand upon him, and said: "that he may not be able to undo that which I have done. And so, my Lord Chancellor, seal it immediately; for that is my will."

The Chancellor threw himself upon his knees, praying the King to listen to the reasons which hindered him from sealing the pardon, making the most of them, and saying that its clauses were general, and without a single precedent; adding that since the King had made the Earl of Somerset guardian and keeper of his palace, he wished to know whether it was his will to give him the jewels, the hangings, and the tapestry, and everything that was in the palace, since it was in the pardon that no account was to be taken of him for anything; concluding by praying the King that, since he gave this kind of pardon to Somerset, and wished him to pass it, he would give to himself, the Chancellor, an order in writing, pardoning him his fault and offence in passing it; for in no other way would he be able to do it, nor would he do it. With this the King grew very angry, saying that he ordered him to pass it, and that he was to pass it. With this he rose from the Council, and went to his apartments; but the Queen, hearing what had happened, went straight to the King, and she and the enemies of Somerset were so busy with him, and perplexed him so, that

gencias, embaraçandolo de manera que en fin el Rey se fue sin que el perdon se despachase, ni se ha despachado.

Aunque se tiene por cierto que el Rey ha continuado el amar al Conde de Somerset, y tener con el muy estrecha confidencia, y le ha ydo dando particularissima quenta de todo lo que hazen y dicen contra el, y por su intercession hizo pocas dias ha del Consejo de Estado al Obispo de Venchestre a pesar del Arçobispo de Cantuaria y de todos los de la faccion contraria, y ha hecho otras acciones emprueba de la continuacion desta gracia; y al Vilers que es el nuevo privado, aunque le haze muchos favores publicos, y le va dando renta, no se ha visto por su mano salir accion ni demonstracion de importancia:—

Pero el aver visto que el Rey tolero el no pasarse al perdon de Somerset, y mostraba oyr gratamente los males que le dezian del, ha dado tanta fuerz a asus enemigos, que esto, y el ampararlos la Reyna, en que no ha havido cura ni el Somerset ni ha savido ni querido ayudar, lo puso en estado que havia en la misma camara del Rey donde el es Camarero Mayor, personas que ni le hablaban, ni le quitaban el sombrero, y han ydo buscando cosas contra el Somerset, y empeñando al Rey de manera que se veen oy el Conde y el Rey mismo en sumo cuydado y embaraço.

Tubo el Conde de Somerset un entrechissimo amigo que llamaba Don Thomas Ovarberi, Cavallero de buenas partes y entendimiento. Este tenia tanta autoridad con el Conde de Somerset que el Rey vino a dessear apartarsele, y assi le nombro por Embaxador a Flandes. No lo accepto ni

in the end he went away without the pardon being completed, and it has never been completed to this day.

Although it is thought to be certain that the King has continued his affection to the Earl; and that he treats him as his intimate confidant; and that he gives him most particular account of all that is done or said against him; and that at his intercession a few days ago he placed in the Council the Bishop of Winchester, to counterbalance the Archbishop of Canterbury and all those of the contrary faction, and that he has done other actions in proof of the continuance of his favour; and that, although he shows much favour in public to Villiers the new favourite, and has given him a pension, yet no act or demonstration of importance has been known to pass through his hands:—

Nevertheless, it being seen that the King put up with the keeping back of Somerset's pardon, and that he seems to hear with pleasure the evil things that are said of him, has given such strength to his enemies, that this, and the support given to them by the Queen (to whom Somerset did not pay sufficient respect, nor has he known how to protect himself against her, nor shown any disposition to do so,) have brought him to such a condition, that in the very chamber of the King, where he is Lord High Chamberlain, there are persons who will neither speak to him nor take off their hats to him: and they have been searching for charges against Somerset, and throwing their toils round the King to such an extent that at present both the Earl and the King himself are in the greatest trouble and embarrassment.

The Earl of Somerset had a most intimate friend, who was called Sir Thomas Overbury, a gentleman of good parts and understanding. He had such authority with the Earl of Somerset that the King came to desire to separate them, and accordingly named him ambassador to Flanders. He

quiso salir de aquí, y por esto y algunas palabras que dixo, le mando el Rey poner in la Torre. Ay opiniones de que y a el Conde de Somerset estaba cansado del, y lo cierto es que este Ovarberi con gran fuerza persuadia al Conde de Somerset que de ninguna manera tratase de dexarse a la Condesa de Essex, a lo menos para casarse con ella. Y dicen tambien que el Conde de Somerset le havia dado la palabra de hazerlo assi.

Murio este Ovarberi presso en la Torre dos años a, y agora Don R. Genut, Secretario del Estado, alentado del Conde del Gerosueri y del de Arundel, y del Arçobispo Cantuariense, dixo al Rey que por orden de la Condesa de Somerset y del Conde havian atosigado y muerto con ponzona al Ovarberi, y que el Alcayde de la Torre dezia que un criado del Ovarberi se lo havia dicho assi, y aun havia querido valerse del Alcayde para hazello fiado, en que el Alcayde lo savia o por lo menos ayudaria a ello, siendo causa de personas tan favorecidas como el Conde de Somerset y la Condesa, que era hija del Conde de Sufolc.

El Rey y el Conde de Somerset, o porque tuvieron esto por cosa que no se podia provar, y que antes dexaria al Somerset acreditado y vitorioso, y al Rey le acreditaria tambien de justo en dessear que se averiguase ^a resolucion que se pudiese en justicia; y assi hizo el Rey desto en el Consejo una gran protestacion ante Dios, y que deseaba que se hiziese justicia, y que ni privado ni su mismo hijo ni cosa del mundo se lo estorbaria, y con gusto del Conde de Somerset nombro para la averiguacion dello a Milor Cuq, Justicia Mayor de Inglaterra, que era hechura y intimo amigo del

did not accept the post, and refused to leave England; and for this reason, and for some words that he uttered, the King ordered him to be sent to the Tower. Some are of opinion that the Earl of Somerset was already tired of him; and it is certain that this Overbury vehemently persuaded him in no way to abandon himself to the Countess of Essex, at the least not so as to marry her. And they also say that the Earl of Somerset had promised him that he would do as he wished.

This Overbury died a prisoner in the Tower, two years ago; and now Sir Ralph Winwood, the Secretary of State, animated by the Earls of Shrewsbury and Arundel, and the Archbishop of Canterbury, has told the King that, by the order of the Countess of Somerset and of the Earl, Overbury was poisoned and murdered; and that the Lieutenant of the Tower said that a servant of Overbury's told him so, and even wished to make use of the Lieutenant, so as to make a confidant of him, on the supposition that the Lieutenant knew what was going on, or at least would be ready to help in it, as it was the cause of persons in such favour as the Earl of Somerset and the Countess, who was a daughter of the Earl of Suffolk.

The King and the Earl of Somerset, either because they considered this a thing which it was impossible to prove, and which would be more likely to leave Somerset with credit and victory, and which would also bring credit to the King as being just in desiring the investigation (or for some other reason), took the resolution that he should be brought to justice; and so the King made in the Council a great protestation before God of his desire to see justice done, and that neither his favourite, nor his son himself, nor anything else in the world, should hinder him; and with the good pleasure of the Earl of Somerset, he named for the investigation my Lord Coke,

^a Some words must be omitted here, perhaps "o por otra razon, tomaron una."

Somerset, pero animoso, eloquente, y deseoso de opinion y credito con el pueblo; y esto y la fuerza de los enemigos del Conde de Somerset en solos tres dias le hizieron trocar forma, y yrse cebando y encarnando en la averiguacion, retinandose del Somerset y de sus amigos y de dalles cuenta de lo que havia y hazia.

El Alcayde de la Torre dixo que esta assi que Don Thomas Monson, hermano del Almirante del estrecho Don Guillermo Monson, que son muy de la casa del Conde de Suffolc, havia embiado a la Torre con orden del Conde de Somerset a Guarston, para que serviese a Don Thomas Ovarberi, y que, dentro de dos dias que llego en su presencia, quiso hechar unos polvos de veneno en un caldo que se daba al Ovarberi, preguntando al Alcayde si seria bueno hechar alli aquello, y que diziendole el Alcayde, que era ello; le respondio, pues aun no lo save, es el veneno para Ovarberi, y a mi sue havian dicho que aun sue ayudaria; que el Alcayde se lo estorbo y hecho los polvos a mal, reprehendiendo mucho al criado Guarston, que no hiziese tal traycion, y que tan poco dixese que el se lo havia estorbado, que el criado le prometio lo uno y lo otro.

Que despues vino a morir dentro de pocos dias el Ovarberi con una medicina que le echaron con que hizo sesenta y tantas camaras hasta que espiro, que el Alcayde no se atrevio por entonces a dezir nada por ser tan grandes las personas a quien aquello tocaba, pero que esta esto la verdad.

Prendieron luego el criado, el qual al principio lo nego todo, pero careado con el Alcayde, y apurada la causa, lo confesso en la misma forma que el Alcayde lo havia dicho, diziendo que Madama

Chief Justice of England, who was the creature and intimate friend of Somerset, but a man of high spirit, eloquent, and desirous of credit with the people; and this, together with the pressure of Somerset's enemies, made him, in no more than three days, turn round, and become excited and bloodthirsty in the investigation, withdrawing himself from Somerset and his friends, and ceasing to give them information of what he was doing.

The Lieutenant of the Tower said that the case was that Sir Thomas Monson, the brother of Sir William Monson, the Admiral of the Narrow Seas, both of them being closely dependent upon the house of the Earl of Suffolk, had sent to the Tower an order from the Earl of Somerset to Weston, that he should attend upon Sir Thomas Overbury; and that within two days of his coming he wished to put a poisonous powder into some broth which was to be given to Overbury, asking the Lieutenant if it would be well to put it in; and that when the Lieutenant said to him: "What is it?" he answered, since he did not know: "It is the poison for Overbury; they told me that you would help me." That the Lieutenant was troubled and threw the powder away, blaming the servant Weston much, and telling him not to commit such treachery, nor to say that he had interrupted him; and that the servant promised both one and the other.

He also said that a few days afterwards Overbury died of a medicine which was given him, which produced sixty or more stools till he expired: and that the Lieutenant did not then dare to speak because so great persons were touched by it, but that this is the truth.

The servant was immediately arrested, who at first denied everything, but after he had been confronted with the Lieutenant and the case had been sifted, confessed that it was exactly as the Lieutenant had said, saying that Mrs. Turner, a highly favoured servant of the present Countess of

Turner, una criada muy favorecida de la Condesa que oy es de Somerset, que entonces lo era de Essex, havia hecho estetrato con el, y dadole los mismos polvos de la ponzona para que los diese.

Fue luego presa la criada, y, aunque nego, y ha estado firme en la negativa, con los demas y la buena voluntad, y otras circunstancias se tubo la causa por probada, y el Justicia Mayor se partio a Royston, que es treynta y tantas leguas de aqui, a donde el Rey estaba, a darle quenta dello.

El Conde de Somerset, que estaba con el Rey, haviendo tenido aviso de lo que pasaba, venia aqui a hablar a Milor Cuq, y, encontrandole en el camino, le pidio que se volviese a Londres; pero ni esto ni el dezirle el estado que tenia el negocio lo quiso hazer; y pareciendole al Conde de Somerset que estaba muy seguro del Rey, y que era indignidad que hazer mucho caso del negocio volverse con Milor Cuq, le dixo yr al Rey, y el se vino a Londres, diziendo que benia a ver a su muger, y, aunque el dia siguiente muy temprano se volvio a partir en busca de Rey, ya topo a vuelta a Milor Cuq, que con solo saludarse passaron el uno por el otro.

Luego que llevo a Londres el Milor Cuq, hizo juntar el Consejo de Estado, que el es tambien del, y exhibio una comission que el Rey daba para este caso al mismo Milor Cuque, al Chanciller, a Milor Suche, y al Duque de Lenox, y que si ellos quisieren agregar a si dos de los juzces de las leyes del Reyno, lo pudiesen hazer; y traxo tambien comission para que el Vizconde Fenton, Capitan de la Guardie, les diese asistencia y ayuda que le pidiesen, y executase lo que le dicesen.

Estos quatro Comisarios se juntaron con el Consejo el Domingo 25 de este, y estubieron toda la

Somerset, who was at that time Countess of Essex, had made the proposal to him, and had given him the poisonous powder in order that he might administer it.

The woman was immediately apprehended, and, although she denied, and has persisted in denying, the charge, the case was considered as proved against her by the other witnesses, with the good will they had, and from other circumstances; and the Chief Justice set off for Royston, which is more than thirty leagues from this, to give account of the matter to the King, who was there.

The Earl of Somerset, who was with the King, having received intelligence of what was passing, came here to speak to my Lord Coke, and, meeting him on the way, he begged him to return to London; but neither this nor what he told him of the state of the business could induce him to do so; and as it appeared to the Earl of Somerset that he was quite secure of the King, and that it was unworthy of him to make much of the business by going back with my Lord Coke, he told him to go to the King, and he himself went to London, saying that he was going to see his wife, and, although he started very early the next morning to repair to the King, and met my Lord Coke upon his return, they passed one another with nothing more than a mutual salute.

Immediately upon the arrival of my Lord Coke in London, he summoned a meeting of the Privy Council, of which he too is a member, and exhibited a commission which the King had given with respect to this affair to my Lord Coke, the Chancellor, Lord Zouch, and the Duke of Lennox, with power, if they wished it, to add two of the judges to their number; and he also brought a commission to Viscount Fenton, the Captain of the Guard, to give them aid and assistance if they required it, and to execute their orders.

These four Commissioners met the Council on Sunday the 14th of this month, and they remained in consideration of this matter the whole afternoon, doubting in what form they could proceed

tarde en este negocio, dudando de la forma como podrian proceder contra il Conde y Condesa de Somerset, y sobre lo mismo se tornaron a juntar el Martes en la tarde en casa del Chanciller.

El Conde de Somerset havia venido ya aqui, y tenido noticia de quan mal andaban las cosas, deseando recoger unos papeles que tenia en su poder la Madamasela Tornel, que estaba pressa en casa de un Jarife (que es como Alcayde de Corte) hizo el Conde de Somerset una cosa que ha parecido gran error; y fue que como Camarero Mayor y persona que por privado y favor particular del Rey tenia el sello secreto y la autoridad de dar en nombre del Rey los decretos, dio orden a su portero de camara en nombre del Rey para que fuese en casa del Jarife, donde estaba pressa la Tornel, y la tomase todos los papeles que le hallase, y se los traxese.

Fue el portero; pero el Xarife no quiso obedecir la orden sin dar quenta al Milor Cuque; antes detubo en su casa al portero, y se fue con la orden en busca del Justicia Mayor, y hallandole en la

against the Earl and Countess of Somerset, and upon the same matter they again met on Tuesday, in the afternoon, in the Chancellor's house.^a

The Earl of Somerset having already come here, and having notice of the bad course which things were taking, desiring to recover some papers which were in the possession of Mrs. Turner, who was prisoner in the house of one of the Sheriffs (who is what an *Alcayde de Corte* is with us), he committed what has appeared to be a great error. This was, that having as Lord Chamberlain, and as the particular favourite and confidant of the King, the privy seal and authority to issue orders in the King's name, he ordered the porter of his chamber to go in the King's name to the Sheriff's house, where Mrs. Turner was imprisoned, and to take all the papers he should find there and to bring them to him.

The porter went. But the Sheriff was unwilling to obey the order without giving account to my Lord Coke. He therefore detained the porter in his house, and went with the order to look

^a From this we may arrive with tolerable certainty at the date of the Commission. The Commission first met on Sunday, the 15th of October. If no time had been lost, and we are told that Coke assembled the Council immediately upon his return from Royston, he must have left Royston early on Saturday morning, and the Commission would have been signed on the evening of Friday 13th. This, too, accords with Somerset's probable movements. If we suppose him to have left Royston on the morning of the 13th, he would have gone back on the Saturday, and, hearing from the King of Coke's complaints of him, would hurry up to London on the Sunday to be ready to search for the papers of which he was in need on the Monday morning. Weldon, it will be remembered, makes the last parting on Friday, and as the language which he puts into Somerset's mouth about his intention to go to London for the sake of visiting his wife, coincides with that here ascribed to him when he met Coke, there can be little doubt that the affectionate leave-taking took place at the first parting on Friday. I cannot help suspecting that the words "I shall never see him more" were spoken on the Sunday, at the second parting. If so, the sting of Weldon's story is gone. It was at this visit of Coke to the King no doubt that he laid down the law in that curious form which appears from Sir George More's notes. Whatever may be thought of the doctrine, that the King had no right to know anything of the evidence in a case of blood, it is plain that Coke, knowing the King's extreme attachment to Somerset, was anxious even by inventing a little law on the spur of the moment to keep the investigation in the hands of the Commissioners.

junta en casa del Chanciller, dio a todos cuenta dello, exhibiendoles el decreto de letra y firma del Conde de Somerset y sellado con el sello del Rey, y viendo ellos que, no estando aqui el Rey, no podia ser aquello orden suya, se quedaron con el papel, y dixeron al Xarife que havia procedido bien en todo, y que al portero le tuviese presso.

Sabiendo esto el Conde de Somerset, les embio a dezir que pues no havian dexado cumplir la orden del Rey le volviesen el decreto. No se le quisieron volver, pero embiaronle a dezir que se los queria hablar o dezir algo, que podia venira dezillo alli a aquella junta, que le oyrian y le darian en ella el lugar que le tocaba per su antigüedad de Consejero, y calidad de su persona y officios. El les respondió que estaba ocupado, y que no podia yr, y mando prevenir luego coches para volverse al Rey, y sabiendo esto los de la junta se resolvieron en detenelle, embiandole orden que no saliese de su aposento, que es en Palacio, el mismo que solia tener la Princesa; y anteayer, Miercoles 28 deste le prendieron declaradamente, embiandole con guardas a casa del Dean de Guesmester; y a la Condesa, que esta preñada de nueve meses, la han prendido tambien con guardas en esta ciudad en su casa; cosa que ha asombrado a todos, pues los de una facion y de otra no creen lo que vean: y al Rey y al Conde de Somerset pienso que los sucede lo mismo, porque tengo por cierto que ni el uno ni el otro creyeron que esto podria ser como ha sido.

Y Homero, y los demas enemigos del Somerset bien entendian la voluntad que el Rey le tenia, y assi le han ydo engañando con acreditarle las conveniencias de hazer justicia, y los inconvenientes

for the Chief Justice, and finding him at the meeting at the Chancellor's house, he gave account of what had happened to all of them, showing them the order in the writing and with the signature of the Earl of Somerset, and sealed with the King's seal, and they seeing that, as the King was not here, it was impossible that this could be by his order, kept the paper, and told the Sheriff that he had done well in everything, and that he was to keep the porter in confinement.

The Earl of Somerset having been informed of this, sent to request them, as they had not allowed the King's order to be carried out, to return him the warrant. They refused to do so; but they sent to tell him that if he wished to speak to them, or to tell them anything, he might come and tell them there at their meeting, where they would listen to him, and give him the place which befitted him by his seniority as a councillor, and the quality of his person and offices. He replied that he was busy, and could not come; and immediately ordered coaches to go back to the King. As soon as the Commissioners heard of it, they determined to detain him, sending him an order not to leave his apartments, which were in the Palace, and were the same which the Princess used to occupy; and the day before yesterday, being Wednesday the 27th of the present month, they openly arrested him, sending him under guard to the house of the Dean of Westminster; and they also arrested the Countess, who is in her ninth month of pregnancy, placing guards over her in her own house in this city; a thing which has astonished every one, since neither those who are of one faction nor the other can believe what they see; and I think that the same is the case with the King and the Earl of Somerset; for I hold it to be certain that neither the one nor the other believed that it would come to this.

And Homer and the other enemies of Somerset well knew the King's good will towards him, and so they have entrapped him by recommending to him the convenience of doing justice, and the

y peligros de embaraçarla, y el numero grande de enemigos que tenia el Conde de Somerset; con lo qual, y esta ultima resolucion han hecho el negocio incurabile en tan grande daño de l'autoridad del Rey, porque ha governado este negocio contra todos derechos, siendo (a lo que se tiene por cierto por todos los desapasionados) el Conde de Somerset sin culpa ni noticia deste caso que se le achaca, porque todo lo a que se puede estender la malicia es a que su muger, vista la autoridad que Overbury tenia con el Conde de Somerset, et que le estorbava el ayydar a que ella se descasase de con el Conde de Essex y se cassaria con el, ayudo o desseo su muerto. Pero el Conde de Somerset ni entonces era casado con ella, ni havia menester matar a un pobre cavallero que estaba en la Torre, para no ser persuadido del, y demas desto. Aunque el Conde ha sido retirado y amigo de pocos, tambien ha sido templado im hazer offenzas ni agravios; pero no ha querido tomar consejo de los que le aconsejaban, bien pareciendole que no havia menester mas de obrar como el Rey le dezia, porque en esto entiendo que ha sido puntualissimo. De ayer aca no tiene ya un hombre por sí, y comienzan a dezir que dio ponçona al Principe muerto, y otras cien cosas que le probaran, aunque no ayan sido. Y assi han muerto Reynas, y grandes, y privados, y otros muchos ynjuntamente.

V. E. se servira de dar quenta desto a su Mag^d y yo la yre dande de lo demas que se fuere offreciendo. Dios guarde, &c.

Aora me dizen que estan componiendo en la Torre el aposento dondo murio Madama Arbela para meter en el al Conde de Somerset.

inconvenience and danger of throwing anything in its way, and by reminding him of the great number of Somerset's enemies; with which, and with the last resolution, they have made matters incurable, to the great injury of the King's service, because he has managed this affair contrary to all right, the Earl of Somerset being (as is certainly believed by all who are devoid of passion) without any fault, or knowledge of this matter of which he is accused; because all that malice can reach to is, that his wife, seeing the authority which Overbury had over the Earl of Somerset, and that he was throwing obstacles in the way of her divorce from the Earl of Essex and her marriage with Somerset, helped on or desired his death. But the Earl of Somerset was not at that time married to her, nor had he the means to kill a poor gentleman in the Tower, because he was not sure of him, and the rest of it. And although the Earl has been solitary, and a man with few friends, yet he has been moderate, without offending or injuring anyone. But he has not been willing to take counsel from those who offered it to him, thinking that all that was requisite for him was to do as the King told him, for in this I understand that he has been most punctual. Since yesterday he has not a man left to take his part; and they begin to say that he gave poison to the Prince who is dead, and a hundred other things which they will prove, though they never took place. And so they have killed queens, and great people, and private men, and many others unjustly.

Your Excellency will be good enough to give account of this to his Majesty, to whom I will send information of anything more that may happen. God preserve, &c.

P.S. They now tell me that they are preparing for the Earl of Somerset the room in the Tower in which Madam Arabella died.

2.

A. Foscari and G. Barbarigo to the Doge of Venice.

[Extract.]

October 28,
November 7, 1615.

[Archives of Venice. Despacci. Inghilterra.]

Questo alcuni mesi sonno fu detto haversi appropriato quantità considerabile delle gioie della corona; et egli, per assicurarsi da questa et da ogn' altra colpa, supplico S. M^a. di un perdono assoluto, anche in quello che potesse toccare Maestà lesa, et ne ottene la parola, et sottoscrizione, mandato l' ordine al Gran Canciller; perchè vi metesse il gran sigillo, negò egli di farlo, et chiamati l' uno et l' altro alla prezenza del R^e ambi in ginocchi parlano; uno addasse gli inconvenienti di tal perdono grandissimi, et che in ogni caso, per mettervi il sigillo, era necessario che S. M^a. le concedesse un particolar perdono a lui per haverlo messo; che altrimenti, essendo questo contra li constitutioni del Regno, con reductione di Parlamento haverebbe perduto la vita; l' altro chiamando il Gran Canciller nemico, si estese in supplicatione; et mentre i maggiori del consiglio presenti stavano pendenti della bocca del R^e, disse sua Maestà ch' haveva amato Somerset, stimandolo di bontà, et così haverebbe continuato; et, voltatosi al Canciller et a gli altri, disse che non era in suo poter, nè in alcun di loro divertirlo di tal affetto, ma di Somerset solo, quando se ne fosse vero indegno; et commando al Cancillero, senz' altra replica di metter il sigillo, perchè lo voleva et commandava di autorità Regia; et se ne passo alle sue stanze. Ciò venuto alla notizia della Regina,

Somerset some months ago was said to have appropriated a considerable quantity of the crown jewels, and he, to assure himself against this and every other charge, begged his Majesty for an absolute pardon, even to include high treason, and obtained the promise of it and the King's signature; but the order being sent to the Chancellor to put the great seal to it, he refused to do it, and both one and the other being called into the King's presence, both spoke upon their knees. One spoke at large on the very great inconveniences of such a pardon, and said that in any case if he was to put the seal to it it would be necessary for His Majesty to grant him a special pardon for having done so; and that otherwise, as it was against the constitution of the kingdom, when Parliament met again he should lose his life. The other, calling the Chancellor his enemy, made supplication at length; and whilst the principal councillors present remained in suspense upon the King's mouth, His Majesty said that he had loved Somerset, esteeming him for his goodness, and so he had continued to do. Then turning to the Chancellor and the rest, he said that it was not in his power nor in that of any of them to turn him away from his affection—Somerset alone could do it, if he became truly unworthy of it. He then commanded the Chancellor without any reply to put the seal to the pardon, for he willed it and commanded it of his royal authority; and then passed to his apartments. This coming to the Queen's knowledge, she immediately went

se ne andò ella immediata del suo palazzo a quello del Rè, et si adoperò in maniera che fece sospendere l'ordine dato di metter il sigillo al perdono; il qual doppo non pure non è stato posto, ma anco Somerset resta aggravato di altre, et particolarmente di haver fatto avvelenare un cavallier di gran stima, amico suo, che si trovava per commando del Rè in Torre.*

from her own palace to the King's, and worked upon him so that she got the order suspended for putting the seal to the pardon. It has never since been done, but Somerset is now charged with other crimes, and especially of having caused to be poisoned a gentleman of great estimation, a friend of his own, who was by the King's orders in the Tower.*

* This was not the pardon which was read at Somerset's trial. That one, the second pardon, was, according to Cotton's evidence, prepared a little before Michaelmas, about a month after this scene in the Council. Of that pardon Somerset said in his defence: "And for the precedent of the largest pardon which I had from Sir Robert Cotton, it was upon this occasion Sir R. Cotton said, 'In respect you have received some disgrace in the opinion of the world, in having past that pardon which the last summer you desired, especially seeing there be many precedents of larger, I would have you now get one after the largest precedent, that so by that addition you may recover your honour.'" This is a very probable statement. Somerset is taxed with embezzlement. He obtains a pardon to cover such charges, and only misses forcing it past the great seal by the Queen's interference. He then determines by way of bravado to obtain a pardon "after the largest precedent" (whether at Cotton's suggestion or his own is quite immaterial), but is unable to carry it through, partly from Yelverton's objection to it, and still more because there was not time to fight the battle out before the charge of murder was raised against him. If this explanation is the true one, and if it can not be said to be established by legal evidence it is at least far more in accordance with the facts that are known than any other, the whole edifice which was built upon these pardons by the crown lawyers at the trial falls at once to the ground.

3.

Diego Sarmiento de Acuña to the Duke of Lerma.

[Extract.]

November $\frac{7}{17}$, 1615.

[Archives of Simancas 2594, fol. 38]

Muy encontrados y opuestos andan aqui todos los de palacio unos con otros, y el Conde de Somerset tiene muchos y declarados enemigos que tornan agora a hazer fuerza con el Rey, en que llame a Parlamento, persuadiendole que es solo esto el camino para remediar sus necesidades, y dificultandole los demas remedios; y los cuerdos tienen este por peligroso en el estado presente, y estando tan fresco lo sucedido en el Parlamento pasado.

There is very much faction and opposition here between the courtiers, and the Earl of Somerset has many declared enemies, who are now again trying to drive the King to summon a Parliament, persuading him that this is the only way to remedy his necessities, and showing him how difficult other remedies will be. The prudent hold this to be dangerous in the present state of affairs, that which happened in the last Parliament being so recent.

4.

Diego Sarmiento de Acuña to Philip III.

[Extract.]

January $\frac{20}{30}$, 1616.

[Archives of Simancas 2595, fol. 23.]

Embio la Condesa con un cavallero que la guardo al Rey con recado, supplicandole humildemente que la embiare dos personas de los de quien mas se fiase, a quien ella pudiese hablar y embiarle

The Countess sent a gentleman who guarded her with a message to the King, supplicating him most humbly to send two persons from amongst those whom he trusted most, to whom she might

un recado. El Rey embio Martes a 12 deste al Vizconde Fenton y al Conde de Montgomery, ambos de su camara, para que le hablasen. Fueron, y he savido que los hablo confessando llanamente la parte que havia tenido en dessear y ayudar a la muerte del Obarbury, como moça agravada y offendida que el hablaba indignissimamente de su persona; pero que el Conde de Somerset, que entonces aun no era su marido, ni lo havia savido ni tenido parte en ello. Antes ella se guardava y recatava del en esto, porque le tenia por muy verdadero amigo del Obarbury, que esto era la verdad, aunque el aver sido ella sola en ello fuese mas culpa.^a

speak, and by whom she could send him a message. The King sent on Tuesday, the 1st of this month, Viscount Fenton and the Earl of Montgomery, both of his chamber, to speak to her. They went, and I have learned that she spoke to them, plainly confessing the part which she had taken in desiring and aiding the death of Overbury, as being a girl aggrieved and offended by the most unworthy things which he had said about her person; but that the Earl of Somerset, who at that time was not yet her husband, neither knew anything about it, nor took any part in it. She had rather guarded herself and kept the secret from him, because she held him to be a very true friend of Overbury. This was the truth, though it was the greater blame to her that she had been alone in the matter.^a

^a We learn from this for the first time the nature of this confession of the 1st of January. It is of course no evidence of any great weight in itself; but it is in accordance with many of the facts which are known. It is known now from papers which were apparently not in the hands of the prosecution at the trial [Harl. MSS. 7002, fol. 281] that there was an independent intrigue going on between Somerset and Overbury, in which, as Overbury at least believed, Somerset was to give Overbury medicine in order to make him ill, so as to excite the King's compassion. Now if Somerset wished to keep Overbury out of the way till the divorce case was at an end, from fear lest he should stop it by deposing to the fact of an adulterous connexion between his patron and the lady, whilst he wished him to leave the Tower finally under supposed obligation to him, it does not seem improbable that a strong-willed and vindictive woman, seeing tarts and jellies passing through her hands for purposes of correspondence, should take hold of the opportunity to poison the man whom she detested without telling Somerset anything about the matter. In his defence at the trial Somerset brought forward this very account of his actions, though only in a general way. He said that "true it is, he did plot with Northampton concerning Overbury how to imprison him . . .; but, he said, by this plot whereof Northampton wrote unto this prisoner, nothing was understood by this prisoner beyond the imprisonment of Overbury, and especially to make him unable to cross or any way hinder his intended marriage with the then Countess of Essex." . . . "If Northampton, the Lieutenant, Frances (for so he termed his wife), or any other of the executed persons during the time of his imprisonment consented in any other contrivance of his death, it was more than ever this prisoner knew or conceived to be plotted."

The obvious question upon this is, why Somerset, if he were innocent, did not go into further detail. It may very possibly however have been the case that, worn out as he was, he shrunk from doing so for fear of the consequences which might be drawn by the lawyers from the full confession of his intrigues. Besides, if he ever thought of reading those letters, which have come down to us, in Court, he must have known that there were expressions in them relating to the King which would only exasperate James, and would cut himself off from the hope of pardon.

Que sobre todo se hechaba a los pies del Rey, pidiendo su gracia y misericordia con mucho dolor de aver offendido in esto a Dios y a el. Los cavalleros a quien ella dio este recado han hecho y hazen por ella muy buenos officios ; y he sавido tambien que demas desto se han offrecido por su parte a Don Jorge Vilers el nuevo favorecido 20,000 libros, que son 80,000 ducados, porque alcance el pardon del Rey, y assi, con ser ella la culpada, se tiene mejor esperanza de su vida que de la del Conde; y una persona bien intelligente me dixo a noche que el mayor peligro que tiene la vida de la Condesa es que no saven como podra morir el Conde sin ella no muere, siendo la principal culpada; porque, en orden a que muera el Conde, han precipitado las muertes de los demas, que han ahorcado; y ay quien dixa que podra ser que con lo que ha traydo el Secretario del Embaxador Don Juan Digby se resuelvan en sacalle a juicio sin aguardar la venida del Embaxador; y por diferentes vias le confirmado que contra el Conde no se averigua cosa de sustancia en lo de la muerte del Ovarberi; y de la del Principe no ha permitido el Rey que se hable en ella; y todo lo demas probado hasta agora viene a parar en que dio un decreto antes que le prendiesen, para recojer unos papeles, diziendo que era orden del Rey sin haverla tenido para ello. Fue lo que causo su prision, y el aver entregado despues todos los papeles que tenia de importancia con algunas joyas a un amigo suyo, para que lo guardase que se coxieron. Y el Rey ha sentido infinito que se ayan visto

For all this she threw herself at the feet of the King, begging for his grace and pity, with much grief at having in this offended God and him. The gentlemen to whom she gave this message have done and are doing good offices for her; and I have learned that besides this there have been offered on her part 20,000*l.*, that is to say 80,000 ducats, to Sir George Villiers the new favourite, that he may obtain her pardon from the King; and so, although she is the guilty person, there is more hope of her life than of that of the Earl; and a very intelligent person told me last night that the greatest danger to the life of the Countess arises from their not knowing how to put the Earl to death, if they save her alive, as she is the principal culprit; since, in order that the Earl may be put to death, they have hurried on the deaths of the remainder, whom they have executed; and some say that they will, upon the information brought by the secretary of the ambassador Sir John Digby, bring him to trial without waiting for the ambassador's arrival; and, by different ways, I have found confirmation of my belief that against the Earl nothing of importance can be proved in the matter of Overbury's death; and as to that of the Prince, the King has not allowed a word to be spoken about it; and every thing else that is proved up to this time comes to this, that he gave an order before he was arrested for the recovery of some papers, saying that it was by the King's directions, though he had never received them from him. This was that which caused his imprisonment, together with his having entrusted all the papers of importance which he had, together with some jewels, to a friend of his, to prevent them being found. And the King is very

It must be remembered, however, that the difficulty is not got over by the assumption of Somerset's guilt. If the whole intrigue with Overbury was got up as a cloak for poisoning it must have been carefully prepared to be produced at the right time. True or false it would have accounted for many facts. A reason must be found, why did not Somerset bring it forward at length, even if he were guilty?

algunos papeles que havia suyos para el Conde de Somerset, y assi carga agora toda la yra sobre el Conde, y algunos papeles que se hallaron entre ellos de los que Don Juan Digby embio de ahy tocantes a confidentes, dize agora el Rey que el Conde no le mostro estos papeles por ser culpado en ellos el Conde de Nortanton y otros parientes de la Condesa su muger; y tambien me dizen que hallaron entre estos papeles, algunos del Conde de Nortanton para el Conde de Somerset con avisos y documentos santos y buenos en materia de la religion Catolica, de que induzen que el Conde de Somerset lo queria introducir en este Reyno con el casamiento deste Principe en España, o con qualquiera otro medio que pudiese.

Todos estos papeles y las joyas llevaron los Comisarios del Rey, y el embio de las joyas a la Regina una cadena de diamantes muy buena, y ella la embio al Don Jorge Villers, que la trae puesta de ordinario. Guarde Dios, &c.

Despues de escrita esenta he savido que ayer se vio privadamente por Juezes la causa del Conde y Condesa de Somerset, que es costumbre que se tiene aqui hazer esta diligencia en ausencia de los reos, para ver si aya materia para que mueran, antes que ellos y sus causas vean y lleven al tribunal publico; y dizenme que estos Juezes declararon que havia causa bastante en lo probado para ser condenados porque contra la Condesa constaba que era culpada de la muerte del Ovaberi, y contra el Conde indicios de que lo supo, y no lo denunció y declaro, y por esto dizen que es justo que muera. No se trato en esto juicio de ninguna otra cosa, y pienso que si esta los parece bastante

angry at the Commissioners seeing some papers of his which Somerset had, and so he now discharges all his anger upon the Earl; and he now says that the Earl never showed him some papers which were found amongst those which Sir John Digby sent from Spain^a, and which mentioned my confidants, because the Earl of Northampton and other relations of the Countess his wife were inculpated by them; and I am also told that amongst those papers were found some from the Earl of Northampton written to the Earl of Somerset, containing good and holy advice, and other writings relating to the Catholic religion, to induce the Earl of Somerset to attempt to introduce it into this kingdom, together with the marriage of this Prince in Spain, or by any other means he could.

All these papers and jewels were taken by the Commissioners to the King, and he sent from the jewels a very good chain of diamonds to the Queen, and she sent it to Sir George Villiers, who wears it ordinarily. May God preserve, &c.

P.S.—Since writing this, I have learned that yesterday the case of the Earl and Countess of Somerset was privately examined by the Judges, it being customary here to do this in the absence of the accused to see whether there is matter against them sufficient to put them to death before they bring them and their case before the public tribunal; and I am told that these Judges will declare that, in what is proved, there is sufficient to condemn them, since against the Countess it is proved that she was guilty of the death of Overbury; and against the Earl there are proofs that he knew of it, and did not denounce or declare it, and they say that for that reason it is just that he suffer death. In that decision nothing else was mentioned, and I think that, if this seems to them

^a This was a mistake, as appears from Digby's letter of the 3rd of April, 1616. State Papers. Spain.

no se valdran de mas; aunque se duda que los Pares del Reyno, que son los Condes y los Varones, que han de juzgarle en el juicio publico, tengan esto per suficiente contra el Conde, y assi no esto aun señalado el dia de quando le llamaran para este juicio ni a la Condesa tan poco.

enough, they will not make use of more; although it is doubted whether the Peers of the Realm, that is to say the Earls and Barons, who have to sit as judges in the public trial, will hold this to be sufficient against the Earl, and so the day is not yet appointed for his trial, and as little for that of the Countess.

5.

Diego Sarmiento de Acuña to Philip III.

[Extract.]

May 31.
June 10, 1616.

[Archives of Simancas 2595, fol. 99.]

El mismo dia del juicio del Conde de Somerset me envio dezir el Rey que se holgaria le viese en Greenwich. Estaba con el gran rato.

The very day of the Earl of Somerset's trial the King sent to tell me that he would be glad if I would come to see him at Greenwich. I was a long time with him.*

* This would seem to show that too much must not be made of the King's excitement during the trial. The conversation turned upon the marriage.

6.

Diego Sarmiento de Acuña to Philip III.

[Extract.]

May 31.
June 10. 1616.

[Archives of Simancas 2595, fol. 101.]

En 25 del mes pasado de Mayo de cuenta a V. Mag^d como estando señalado para aquel día el sacar a juicio publico al Conde y Condesa de Somerset, y estando ellos y los Condes y Varones que los havian de juzgar prevenidos para esto acto, ovia venida orden del Rey que se suspendiese para los 2 deste.

Publicose que esta dilacion la avia causado que el Conde de Somerset avia embiado a dezir al Rey que queria descubrir y declarar grandes cosas, y la Reyna me lo dijo a mi asi el dia siguiente; pero havianla informada mal, porque lo cierto es que, pareciendoles a los comisarios que dizieron la averignacion que no havia suficientes pruebas para condenalle fueron de parecer que se suspendiese la causa del Conde para ver si se podian hallar mas pruebas, y que se hiziesen nuevas diligencias con el para que confesase sus culpas.

Y assi Viernes a 27 de Mayo a las 2 de la tarde escrivio el Rey al Duque de Lenox y al Varon de Hey, que estuvieron con la Condesa mas de una hora persuadiendole de nuevo que declarase lo que savia contra su marido. Ella dixo que en la muerte del Cavallero Obarberi avia declarado y confesado su misma culpa, y aun encarecidola, para que tuviese mas en que obrar la piedad y clemencia del Rey; pero que del Conde ni en esto ni en otra cosa sabia que fuese culpado.

On the 11th of May I gave an account to your Majesty that the public trial of the Earl and Countess of Somerset being appointed for that day, and the Earls and Barons, who were to try them, being summoned, an order had come from the King to postpone it to the

23rd of May
2nd of June

It was given out that this postponement had been caused by a message sent by the Earl of Somerset to the King, to the effect that he wished to discover and declare great matters, and the Queen told me so the next day; however, she had been ill-informed, for the fact was, that the Commissioners who conducted the examination, not thinking that they had sufficient proofs to condemn the Earl, were of opinion that the trial should be postponed, to see if they could find fresh proofs, and that they might urge him again to confess his faults.

And so on Friday, the 11th of May, at 2 o'clock in the afternoon, the King wrote to the Duke of Lennox and to Lord Hay, who were with the Countess more than an hour, persuading her afresh to declare what she knew against her husband. She said that with respect to Overbury's death, she had declared and confessed her own fault, and had even enhanced it, in order to have more to work upon the pity and clemency of the King; but that she did not know that the Earl was guilty of this, or of anything else.

Con esto pasaron el Duque y el Varon de Hey al parte donde en la misma Torre esta el Conde preso. Dixerón le la confesion de la Condesa su muger, añadiendo para movelle que, con aver confesado la Condesa su culpa llanamente, y puestose en las manos y misericordia del Rey, avia gauado mucho merito, y que assi tenia muy buenas esperanzas de su vidu, y que del Conde seria lo mismo; que como buenos Escoceses y sus amigos le aconsejaban que lo hiciese, porque en lo contrario aventuraba el l'alma, la hourra, y la vida.

El Conde dixo que se espantaba mucho que alabasen en aquel caso la clemencia del Rey con su muger, pues estaba mandada sacar a juicio, y que de lo quiere hazen con el mismo Conde, no podia dexar de espantarse, tambien pues despues de estar prevenida su causa, y su dia para llamar le a juicio publico le venian de nuevo a preguntar sus culpas y a aconsejalle que las confesase; que el no tenia que dezir sino quejar de ser tan mal tratado sin causa, y que assi esperaba de la prudencia del Rey, y de los quienes le aconsejaban, que no permitieran que se hiziese un horror tan grande, como llamarle a el a juicio, donde si se llevaban, pues savia a que era para morir alli, diria lo que supiese para morir alli, diria lo que supiese para su defensa, sin que el Rey se pudiese quejar, pues era la causa dello.

Dixole el Varon de Hey, que se reportase en aquel modo de hablar, y que el via en su semblante que era reo y culpado, y que le parecia que tenia en la boca, y aun en los labios la confesion de sus culpas; que las dixese, y tomase aquel consejo de un hombre que en aquel punto le hablaba como hermano y fiel amigo, aunque hasta alli confesaba que era quien mas malas hobras le avia hecho

After this the Duke and Lord Hay passed to the part of the same Tower in which the Earl was confined. They told him of the confession of the Countess his wife, adding, with the purpose of moving him, that by confessing her fault plainly and placing herself in the King's hands, she had gained much merit, and that thus she had good hope of her life; and that it would be the same with the Earl; that as good Scotchmen and friends to him, they counselled him to do as she had done, for if he did not, he would risk his soul, his honour, and his life.

The Earl said that he was much surprised that in this case they praised the King's clemency towards his wife, as she was to be sent to trial; and that he could not help being surprised at that which he wished to do with himself, especially as after his trial had been fixed, and the day for his being brought publicly into Court, they came to inquire into his faults afresh, and to counsel him to confess them. He had nothing to say, except that he complained that he had been so badly treated without any cause, and that he hoped so much from the prudence of the King and of those who counselled him, as that they would not permit so great an error to be committed as to bring him to trial, for if they took him there, since he knew that it would only be done that he might die there, he would say that which he knew in his own defence, without the King being able to complain of it, since he was the cause of it.

Lord Hay said to him that he should abstain from talking in this way, and that he saw in his face that he was guilty, and that he thought that he could see the confession of his faults in his mouth, and even in his lips. He had better speak it out, and take the advice of a man who, at that moment, was speaking to him as a brother and a faithful friend, though he acknowledged that formerly it had been he who had done him the worst turn to have him imprisoned, because he had

para su prision, porque el Conde le avia sido ingrato; pero que sabia que, confesando, y poniendose en las manos de su Rey, veria su gracia y misericordia.

El Conde le dixo que siempre le avia deseado de servir, y que le pesaba de no avello acertado a hazer como quisiera, y que sin embargo deste ni sabia ni esperaba que le habiese hecho ni havia malas obras, pero que quando asi fuese le avia hecho antes tantas buenas que le obligaban a tomar y seguir sus consejos como lo havia en lo posible; pero que la confesion de lo que no era ni sabia no podia estar en la boca ni en otra parte; con que, aviendo gastado en estas persuasiones mas de tres horas, se fueron sin sacar ningun fruto; y el Alcayde del Torre estuvo aquella misma noche con el Conde haziendo el mismo officio sin mas effecto.

El Jueves a 2 deste mes que era el dia señalado para el juicio se suspendio para el Viernes y Sabado siguiente, y el mismo Jueves volvio el Varon de Hay a persuader y aconsejar al Conde que confesase, y, visto que en esto no havia que esperar, le aconsejo con muy vivas razones la templanza y sufrimento sin exceder ni meterse, pues con aquello obligaria al Rey; asegurandole (segun me afirman), mucho deste, y del amor y buena voluntad que el Rey le tenia; tornandole a protestar que no haziendolo asi lo aventuraba todo.

* * * * *

Con esto que fue todo lo que tuvo, el Doctor Francesco Bacon, Procurador y Fiscal General del

been ungrateful to him; yet he knew that, if he confessed and put himself into the hands of his King, he would obtain grace and mercy.

The Earl replied that he had always wished to serve him, and he regretted that he had not been successful in this as he had wished, but that, nevertheless, he did not know that he had done him a bad turn, nor did he expect that he would do so; but even if this were the case, he had before done him such good service, that he was bound to take his advice, and to follow it as far as was possible: but that a confession of that which had never been, and of which he knew nothing, could not be in his mouth nor anywhere else. After this, having spent more than three hours in attempting to persuade him without effect, they departed; and the Lieutenant of the Tower was with the Earl the same night trying, with no more effect, to accomplish the same object.

Thursday the ^{23rd of May}_{2nd of June} was the day appointed for the trial, but it was postponed to the Friday and Saturday following; and that same Thursday Lord Hay returned to persuade and advise the Earl to confess, and, seeing that there was no hope of that, counselled him, with very lively arguments, to moderation and patience, so as not to break bounds or to meddle with what did not concern him, since by this he would oblige the King; strongly assuring him (as I am told), of this, and of the King's affection and good will towards him; again assuring him that if he did not do this he would risk all.^a

* * * * *

After this [viz. the evidence] which was all that he had, Dr. Francis Bacon, the Attorney-

^a There is little that is new in the long account of the two trials which follows. All there is, is contained in the extracts given.

Rey, hechura y confidentissimo amigo del Conde antes de la prision, le acuso en una larga oracion.

* * * * *

Estavo el Conde en el juicio siempre en pie y descubierto y tan flaco y tan decaydo, y lo que dixo fue tan tibio y tan bajo que el mismo Fiscal de Rey pridio al Chanciller que para mayor justificacion de la causa y aver sido el Conde tan gran persona en este Reyno se le diese alli papel y tinta para si quisiese escriver algo.

Hizose assi, y el Conde escrivio mucho, pero no quiso leer sino muy poco y de muy poca sustancia; solo me dizen que a la postre en el punto general de su causa, hablo atinadamente, diziendo a los Juezes que considerasen que era ygnocente, y su compañero, Par del Reyno, y que condenalle por indicios tan flacos era condenarse ellos assimismos, y a sus sucessores para otros casos semejantes: y dizen me que despues quando le leyeron la sentencia condenandole a ahorcar beso la mano, y hizo una reverencia con el mismo semblante que pudo era hazello si tuviera de que estar muy agradecido, y el mismo si quito del cuello y de la pierna las insignias de la orden de San Jorge y de la Jarratera.

* * * * *

En la execucion de las sentencias ay oy varios pareceres, porque la piedad de la causa de la Condesa y el favor que tiene da mucha esperanza de que no morira, y esta es la que ay para la vida del Conde; y por esto mismo lo que mas dificulta la de la Condesa, porque dizen muchos

General, a creature and most intimate friend of the Earl before his imprisonment, accused him in a long oration.

* * * * *

During the trial the Earl stood the whole time and had his head uncovered, and what he said was so lukewarm and so dispirited, that even the Attorney-General asked the Chancellor to give him paper and ink if he wished to write anything, both for the better justification of the cause, and because he had been so great a personage in the realm.

This was done, and the Earl wrote much, but he would only read a very little of it, and that of very little substance; only they tell me that in the end, upon the general view of his case, he spoke to the point, telling the judges to consider that he was innocent, and their fellow as a peer of the realm, and that to condemn him upon such poor evidence was to condemn themselves and their successors in other cases of the like kind; and I am told that afterwards, when the sentence condemning him to be executed was read, he kissed his hand and made a reverence with a look such as he might have had if he had been much favoured; and that he himself took off from his neck and his leg the insignia of the Order of St. George and the Garter.

* * * * *

As to the execution of the sentences there are now various opinions, because the pitifulness of the Countess's case and the favour she is in give great hope that her life will be spared; and it is this which is in favour of the life of the Earl; and for the same reason there arises a difficulty in the Countess's way, because many say that if she does not die, being the principal, it will not be right

que, no muriendo ella que es la principal, no sera razon que muera el Conde, condenado por solos indicios ; pero todavia se dudo suas de su vida que de la de la Condesa. Dizen que tambien lo detiene la consideracion de que un hombre de tantos grados muera ahorcado, y lo que se puede pensar de que muriendo tan publicamente diga algo que duela a alguno, y assi esta cerradissimo, y se entiende que se buscara traza para que haviendo de morir se degollado privadamente en la misma Torre, y me dizen que se han hecho ya sobre esto algunas proposiciones, y al mismo Alcayde de la Torre, diziendole que lo haya, y que despues se le dara perdon, y el no ha querido sin que se le de la orden para ello por escrito y primero.

that the Earl should die, being condemned only on presumption ; nevertheless there is greater doubt of his life than of hers. They tell me that there is also an obstacle in the consideration of the impropriety of executing a man of such degree, and of the possibility that, if he dies in public, he may say something which will give pain to some one, and so the matter is kept very close ; and it is understood that a proposal has been made that, as the Earl is to die, he should be executed privately within the walls of the Tower ; and I am told that they have made on this subject some propositions, even to the Lieutenant of the Tower, telling him to do it, and that afterwards he shall have a pardon, and that he refused, unless he had the warrant for it in writing beforehand.

X.—*On the discovery of Sepulchral Remains at Veii and Præneste, by Padre RAFFAELE GARRUCCI; communicated and translated by W. M. WYLIE, Esq., M.A., F.S.A., in a Letter to A. W. Franks, Esq., Director.*

Read May 31st, 1866.

MY DEAR MR. FRANKS,

LAST winter, while at Rome, some sketches in the album of Padre Garrucci, of the Collegio Romano, made me acquainted with the discovery of certain archaic tombs at Palestrina, the ancient Præneste, which appeared to me to be of a very remarkable class.

On afterwards seeing the numerous reliques from these tombs, preserved in the rich collections of Signor Castellani and Prince Barberini, and ascertaining that these discoveries were for the most part, if not wholly, inedited, I felt it behoved me to attempt some record of them for the Society of Antiquaries. However I soon discovered the extreme difficulty of obtaining the precise information necessary for such a record, and that Dr. Mommsen, on attempting a notice of a former discovery at Palestrina, had fallen into error from the want of sufficient data.* It then occurred to me that if I could prevail on that learned and accomplished antiquary Padre Garrucci to give us such a memoir from his own pen, it would be a valuable and acceptable acquisition. I am happy to say that Padre Garrucci most kindly undertook the task. I have now the pleasure of laying his paper on the table and, with it, the translation which I have executed to the best of my power. It commences with an account of the Padre's later researches in the Prænestine necropolis, on which occasion however he only found a number of stone tombs of a far later period than those which had attracted my notice, and probably those of the Latin or Sabine Æqui, among which only a single example of cremation occurs. These tombs are attributed to about the third century, B.C., and contain very little of interest. He then proceeds to give a very exact account of the ancient graves of Veii and Præneste.

Prince Barberini and Signor A. Castellani, into whose possession the reliques

* *Dissertazioni Archeologiche*, di R. Garrucci, p. 154. Roma, 1864.

found in the tombs have come, liberally allowed me free access to their collections, and to have such drawings made as were required for illustration. For this purpose I selected objects of a rare and archaic character, and such as seemed the most likely to furnish some clue to the sources whence the earlier inhabitants of Latium derived their taste. Much remains that would have illustrated our subject still further, but from what we have before us will be observed that strongly pronounced combination of the Assyrian, Egyptian, and Greek styles, now generally imputed to a Phœnician source. The few Veii drawings are from reliques in Padre Garrucci's own possession.

The following paper then mainly treats of researches at Veii and Præneste. Incidental mention, by way of illustration, is also made of Cære, or Cervetri. Of the early Pelasgic occupation of Præneste and Agylla, converted afterwards into the Etruscan Cære, we have some historical notice. Veii, I believe, only becomes known to us in Etruscan times; but if sepulchral customs are of any avail in guiding us in the dark history of the past—and we believe them to avail much—then these discoveries would show that the same people that once held Præneste must also have held Veii, prior, in all appearance, to Etruscan occupation. It will be seen that the very remarkable mode of sepulture pursued at Veii was also pursued at Præneste, while it is totally at variance with all we know of that of the Etruscans. The reliques that have occurred in the sepulchres of both these cities are absolutely identical in character, and, as will be seen, have a very singular affinity with those discovered in the earliest tombs of Cære or Agylla. No doubt these reliques have, in part, a certain connection with Etruscan style, but the Etruscans were probably not a little indebted to preceding races for much of their arts and civilisation. It has been too prevalent a habit in Central Italy to give the name of Etruscan to whatever is decidedly not Roman, just as though the Etruscans were actually the *autochthones*, instead of being the successors of some races, while others were co-existent with them.

A circumstance that particularly struck me in these discoveries was the general use of iron, at such an early period, in connection with bronze and copper. Continental archæologists have long entertained a conviction of the early use of iron in Europe, or, as it is technically termed, of a first iron period. The present instance seems a very satisfactory confirmation of their views. It will be seen that Padre Garrucci makes continual mention of the occurrence of iron during his researches; and there may be seen in the Palazzo Barberini, beneath a mound of reliques from Palestrina that have never been arranged, a mass of iron tires from bronze wheels, iron spears, swords, knives, &c., which prove beyond all

contradiction the general use of the metal. Unfortunately these iron reliques are rapidly perishing from neglect.

The archaic tombs of Præneste and Veii prove moreover not merely the free use of iron, but also of ivory and amber, articles certainly not of necessity, but of luxury, even in the most palmy days of Rome. Now in connection with these facts is a matter too important to pass by without notice, though we can only briefly allude to it on the present occasion.

Just on the confines of Styria, among the mountain-forests and lakes of that beautiful part of Southern Germany, exists Hallstadt, a very primitive village of salt miners. Here, some time since, was discovered the necropolis of a tribe, affirmed to be Keltic, which, in remote times of uncertain history, owned and worked these salt mines.^a In their graves, among a profusion of other reliques, we find the same rich combination of amber and ivory,^b especially in the decoration of iron weapons, that occurs in so remarkable a degree at Veii and Præneste. The same unusual ornamental devices appear on the various reliques, while other Hallstadt remains, to which we can offer no parallel at Palestrina, correspond with those of other similar archaic Italic tombs, those of Vulci for instance.

It would be difficult to assign an ethnological cause for this manifest connection of the old Italic civilisation with the barbarism of Noricum. We can hardly conceive a colony, whether Umbrian, Hellenic, or Etruscan, quitting the sunny South to settle in a transalpine mountain nook, among races alien in language as in blood. It is surely to commerce that we must turn for a solution of the enigma. Salt mines are always mines of wealth, and wealth begets a taste for exotic luxuries, which commerce is seldom tardy in gratifying. We shall then perhaps not be far from the truth if we picture to ourselves the traders of Central Italy conducting their mule-trains, laden with the industrial products of the South, over the passes of the Carnic Alps to a sure market in the wilds of Noricum—to Hallstadt.

That Italic wares found their way over Germany at a very early period seems beyond question. Those rare and archaic Oscan bronzes, exhibiting groups of figures, of which examples exist in the British Museum,^c and in my own possession, have a positive origin in South Italy; yet reliques very closely cognate have been found in the grave-hills of Styria and Mecklenberg.^d

^a See Simony, *Die Alterthümer vom Hallstätter Salzberg*. Vienna, 1851.

^b *Die Alterthümer unserer heidnischen Vorzeit*, von Dr. L. Lindenschmit. Band ii. Heft i. pl. 5.

^c *Archæologia*, vol. XXXVI. pl. xxvii. *Horæ Ferales*, p. 233, pl. xxxiv.

^d *Archæologia*, vol. XXXVI. pl. xxvi. *Horæ Ferales*, pl. xxxiii.

Again, later works, of decided Etruscan art, occur not unfrequently in Germany, and more especially in the lands bordering on the Moselle and the Rhine.^a

We need not now stop to inquire by what agencies these objects respectively reached the provinces of the Baltic in one direction, and of the Middle Rhine in the other. It would appear sufficiently evident that channels existed by which the products of Italic civilisation attained the limits of Germany at a period long anterior to Roman domination.

As Padre Garrucci gives his measures in Roman palms, it may be convenient to state that the Roman *palmo* is $8\frac{3}{16}$ inches of our measure; and its subdivision, the *uncia*, is $\frac{8}{16}$ of an inch. *Tufo* and *peperino*, of which some of the tombs of the later class were constructed, are the volcanic stones of the country; the former is a coarse material, but very durable, and more easily worked than the finer and compact *peperino*.

The *discerniculum* often mentioned in the following pages, was a long pointed implement of bronze or silver—not a hair-pin—used by the ladies for parting their hair. The handle is frequently decorated with some ornamental form. A *discerniculum*, from Præneste, in the possession of the Princess Barberini, is of silver, with a gold handle, and very long.

The *æs rude* consisted of pieces of copper rods, or bars, of various sizes, which passed current for money according to weight. It seems to have continued in use, in country places, even after the introduction of a regular coinage.

Believe me most truly yours,

W. M. WYLIE.

EXCAVATIONS AT PRÆNESTE.—1862.

I have given some account of the necropolis of Præneste, in a notice of the excavations I conducted on the property of Prince Barberini,^b in the vicinity of Palestrina, in 1863. I now propose giving an account of some previous excavations, in 1862, in the Vigna Velluti, on the right of the Marcigliano Road,^c and more especially to describe the tombs formed beneath piles of stones which have been discovered in the burial places of Præneste and Veii.

^a Museums of Treves, Mayence, Berlin, Munich, and Berne. Lindenschmit, *Alterthümer*, Band i. Heft. 2, pl. 3; Heft. 4, pl. 3; Heft. 7, pl. 3; Heft. 9, pl. 9. Band ii. Heft. 2, pl. 1, 2.

^b *Dissertazioni Archeologiche*, vol. i. p. 148. Roma, 1864.

^c *Ib.* pl. xii.

The scene of my operations was a plot of ground about one hundred Roman palms in breadth, by two hundred and fifty in length (in English measure about seventy feet by one hundred and seventy-five feet). As the surface furnished no clue whatever to the spot occupied by the interments, I had a trench opened twelve palms long by ninety-six broad. After passing through four palms of vegetable soil, where two examples of the Roman *as* were met with, one of them being a *sextans*, the other probably an *uncia*, and a *triens* with the letter Q, we came on a very compact mass of fragments of stones, pottery, and the like, three palms in depth, in which were skeletons interred beneath large tiles, with some vessels by them. When we had got down to seventeen palms from the surface, we discovered a cist of *tufo*,^a and two tile-graves by it. The cist merely contained a skeleton. It seemed as though a second cist lay by the side of this, but on removing the cover we found the skeleton in a grave dug in the plain earth. By it lay an iron lance, and outside the grave, on the left, a piece of *as rude*, with two small painted earthen vessels. A little above this tomb lay a skeleton interred in the plain earth, without any cist, and merely a piece of *as rude* by it. These tombs came to light in the centre of the excavation of ninety-six palms, and we found on trial that the ground on either side had never been moved. I therefore directed a second cutting of twelve palms to be made in advance of all this width of ground, in order to discover on which side I should continue the excavations. However, finding nothing here, I advanced the cutting another twelve palms. Here were some tile-graves, and one of *tufo*, in which I merely found a skull, the rest of the skeleton having crumbled into dust. In a fourth cutting, at a depth of twenty palms, I found a covered cist, and a piece of *as rude* in it by the skeleton. The disturbed state of the soil showed that tombs existed below, and at a depth of twenty-four palms we came on a cist without a cover, in which was a skeleton, with a spear-head and a piece of *as rude*. As this cist was in the centre of the excavation, I tried the ground on either side. On the right it was intact; on the left, at a depth of ten palms, I discovered three cists of *tufo* containing skeletons only. Below these a narrow but deep trench had been formerly sunk, in which I found a skeleton in a reversed position, with a strigil and a long

^a These *tufo* cists, or sarcophagi, are in themselves remarkable. They consist of rough blocks of *tufo*, coarsely chiselled, and measuring about nine palms in length, by six in width and depth. These were hollowed out to receive the body, and a covering, generally of one slab of the same stone, but sometimes of two pieces laid together, was placed over it. The few that occurred of *peperino*, being a finer material, were carefully squared and worked. Padre Garrucci is disposed to attribute these tombs to about the fifth century u. c.—W. M. W.

chain, both of copper, two small vessels, and the *æs rude*. Another portion of *æs rude* was found outside the third cist, and afterwards a skeleton lying on the ground, and only covered by tiles. In this part of the excavation we found a coin of the type with a lion's head on the reverse, and a youthful head on the obverse (the legend *Romano* is worn away), and a Roman *quadrans*. As soon as I had ascertained the certain indications of tombs on this side, I directed the cutting to be carried onwards, in the course of which an empty cist was found. The next day I directed the trench to be cut through the entire length of the ground, or about eighty palms further on, so that my excavation was carried on in the same direction on both sides at once. In the angle of this double cutting I found, at a depth of twelve palms below the surface, a quadrangular column of *peperino*, five palms in height and one square. At a depth of twenty palms was a tomb of tiles, with a small vessel by it. At the extremity of the longitudinal trench, on the left, was a *tufa* cist at a depth of ten palms, and in the stratum of *débris* of various kinds I found the stamp of a maker, M·ORCIIVI, and two lamps with monograms N and B, and a third with letters formed of dots in relief. These go round the rim from left to right, and seem to read A·MAMI·A·L. The cognomen, on the contrary, is written from right to left and seems to read CINEROSI... Further on were some fragments of vessels, and terra-cotta tiles stamped with representations of Paris in a Phrygian dress, with a knee on the ground, shooting; Ariadne on the shore, waking from sleep; some fragments of the *as sextantarius*; some coins of Neapolis; and a small coin which has on the obverse a head covered with a Phrygian helm, and ROMA with a dog on the reverse. In the centre of the trench was a narrow but deep hollow, entirely filled with the bones of horses and men. At eight palms from the surface I found a skull, purposely entombed between four tiles, by which was a *triens*.

On the right of the lateral excavation, at the depth of ten palms, lay a skeleton on tiles covered with white stones. By it I found a coarse earthen vessel; a small brick, pierced at the top, after the manner of the truncated cones termed "weights," and seven round beads of coloured glass which must have formed a necklace. After this I found a *tufa* cist with the *æs rude*, and a small vessel within it. In the long trench we found a *tufa* cist containing a skeleton with a strigil that had been mended; and further on, another skeleton interred in the plain earth with a sort of inclosure of white stones round it. These stones come from the mountains of Palestrina, and were brought here either for the purpose of piling them above the bodies, or of forming an inclosure round them. The necro-

polis stands on a bed of *pozzolana*, and no stones of any kind, either *tufo* or *peperino*, are found there, the quarries being some miles distant. On the right side of this skeleton, surrounded with the white stones, I found a heap of bronze fibulæ of various sizes, to the number of eighty. Among these were at least five of amber, and the same number of iron, also five or six plain discs of copper, the largest of which was nearly seven Roman *oncie* (about five inches) in diameter. Not far off was an ossuary of *peperino* without a cover, containing burnt remains, and near it a *tufo* cist, within which, on the right of the skeleton, was a mirror and the *æs rude*. Sinking further, at a depth of fifteen palms, I found another *tufo* cist containing a mirror and *discerniculum* between two little vessels on the right of the skeleton. A third cist had within it two vessels, and on the outside was the *æs rude*.

After this I came on two of the tile-interments, with two common earthen vessels in them; then on an empty tomb of *peperino*, and, in the accumulated soil above it, a skeleton with the Poman uncial *as*.

As the excavation advanced I came on a necropolis, the southern boundary of which I perceived was indicated by the little *peperino* column mentioned above. Here the *tufo* cists abound, and I will proceed to describe them in their order of excavation.

In the lateral excavation, at seventeen palms from surface, I discovered a *tufo* cist, in which, at the right of the skeleton, was the *æs rude*, and at the feet, two little vessels, with a mirror between them. Close by were two more cists, from one of which I took two vessels and the *æs rude*; and from the second, an iron spear-head, two strigils, one of iron and the other of bronze, and a portion apparently of an iron saw. Above this cist was a tile-tomb covered in like a sloping roof. The ground above had been trodden hard, and at eight palms from the surface, close by, I found a cist resting on two palms of moved soil with a trodden layer of chalk above it; this contained a spear-head, ten *astragali*, and thirty shells by the side of the skeleton. There was further a copper ring, and by the right side of the head some small pieces of metal stuck together with iron-rust, consisting of two fragments of *æs rude*, a bronze coin of Neapolis, bearing the half bull with human head, and on the reverse the head of Apollo, and part of the legend; also an iron ring with two fragments of copper *bullæ*, and two more of uncertain objects.

In the long trench, at eighteen palms from the surface, were two cists. One was empty, and the other contained a spear-head. Near these was a tile-tomb. In the lateral cutting I found three cists. The first contained two small vessels, a

mirror, and the piece of *æs rude*. Beneath this cist was a vase about two palms in height. The second cist contained a spear-head and two strigils of bronze, and in the third was a similar strigil, and the bronze neck of a balsam or oil vessel which must have been of leather.* By the side of the second cist, and underneath the first, at a depth of from eight to ten palms from the surface, was another one containing a mirror, a strigil that had been repaired, two small vessels, and the *æs rude*. By it was a tile-tomb with a pike or *verutum* of iron. Below the cist, found, as I have stated, at eight or ten palms deep, was another in which were two small vessels, a mirror, a shell on the right side, a *discerniculum*, and an armilla on the left; also two coloured glass beads, a silver ring, and the piece of *æs rude*. Outside was a skeleton buried in the earth, which had two small vessels by it, one of which was broken.

In the course of my excavation on the day following, I came on three cists in the long trench. Two of these had no covers, the third contained two small vessels, one of which, a coarse one, lay on the right side, the other, a painted vase, on the left of the skeleton; there was also a piece of amber pierced at the upper end. In the cross trench, fifteen palms deep, I found a cist, the left corner of which had been broken, and repaired with a tile. I imagine this to have occurred when they dug places for other cists, three of which I found by this one on the same day. On entering this broken cist, I could just see the faint white trace of the decayed remains which had once been adorned with a necklace of most beautiful gold beads, between which were twelve stars, also of gold. There were also some coloured glass pastes, but quite perished; a pierced amber ornament representing the head of Silenus, of archaic form, with pointed ears like those of a horse. On the left of the skeleton was an *alabastron*, and the bronze neck of another balsam vessel, the body of which had been of leather, and the form still remained, though the leather had perished. On the right side was a copper ear-pick and a piece of *æs rude*, another piece of which lay between the legs. On the left foot was an iron ring, and between the feet there must have been a leather vessel attached to a plate of very thin copper that served for a base. Three painted vases, in a good style of art, and not of the pottery of the country, were at the feet of the skeleton, but two of them were broken.

From another cist by the side of this I got two small vessels, a copper ring, and a nail, found on the breast of the skeleton with some dark substance, pro-

* See Plate III. fig. 2 for an illustration of a balsamario taken from a very perfect example in the Barberini Collection.

bably leather, adhering to it. Close to this cist was a skeleton interred in the earth with an elegant wine pitcher of white ware by its side, and a bellied vessel with two handles, within which was a fragment of another vessel and a piece of *æs rude*. Over this, by the side of the cist with the golden necklace described above, was another with a skeleton only, and by its side a skeleton in a tile-grave, near which were two small vessels. On the left side of the cist with the gold necklace, and almost at the same level, I found another with a vase on which an owl was painted.

Meanwhile, I obtained a fine piece of the *æs rude*, and two vessels from a cist in the long trench.

The day after, in the transverse trench, I found a cist with a strigil doubled up on the thigh-bone of the skeleton, and a piece of *æs rude*; by the head were two vessels, a mirror, and one of the truncated cones of terra cotta we are in the habit of calling "weights." The first cist in the long trench yielded two vessels, and a strigil. The second had a vessel outside it, and within, a strigil, a pike (*perutum*), and the *æs rude*. Another, which I opened in the cross trench, had an iron strigil on the left of the body, and a small vessel.

During the following days I carried the long trench on to the extremity of the ground, where I found a little pillar, four palms in height, which evidently was the terminus of this cemetery on the north side. Close to this, at a depth of thirteen palms, was a cist of *peperino*, which was quite an exceptional circumstance, as all the rest were of *tufo*. In it, by the left side of the body, was a spear-head, an iron strigil, and the bronze neck of a leathern balsam vessel. Under this, again, at a depth of seventeen palms, I opened another *tufo* cist, wherein, at the feet of the skeleton, was a spear-head, and by the left hand a plummet, and the *æs rude* between the legs. In the cross cut, at a depth of seventeen palms, was a very short cist, into which a body had been crammed by resting its back against the side, and bending the knees up. This skeleton was well preserved.

On the following day, in the long trench, at a depth of ten palms, we found, in a cist, a small vessel at the feet of the skeleton, and a truncated cone or weight. By this was another *tufo* cist, with only the *æs rude* in it. Beneath, however, and fifteen palms deep, was a tile-grave, with the *æs rude* by the body. Further on we met with a *tufo* cist at ten palms' depth, in which were two small vessels at the feet of the skeleton, a mirror, and two pieces of *æs rude* about the middle, and, on the right of the head, a spear, with a fractured painted vase not of a local manufacture. In the cross-cut, in the upper stratum of the usual *débris*, I found a *triens*, bearing on the obverse an open hand, and a thunderbolt on the

reverse. We then came on a ditch filled with the bones of men and animals, near which, at twenty palms deep, was a cist, with a vessel on which a swan was painted; and another cist, at nineteen palms, in which was a shell, a rude vessel, and two beads of coloured glass.

The latter part of the excavations revealed a cist at the depth of fifteen palms, and within it a pike, and a strigil by the left hand. Another cist, only twelve palms deep, had a small vessel, the *æs rude*, and a bead of coloured glass. In a third, at a depth of sixteen palms, I found two beads of coloured glass, the *æs rude*, and a spear-head. The fourth contained a fragment of iron, two coloured glass beads, and a little copper *bullæ*, in which, on opening it, I found a small dried stalk of some plant.

The last four cists I opened were not richer than the others; in fact two of them merely contained skeletons. In the third were three little vessels and the *æs rude*, and in the last two small vessels, a mirror, and the *æs rude*.

TOMBS AT VEII AND PRÆNESTE BENEATH HEAPS OF STONES.

How completely this exact narrative of my excavations in the Vigna Velluti corroborates my refutation of Mommsen's assertions will be sufficiently manifest to every one who has read my first volume of "*Dissertazioni Archeologiche*" (p. 154); so I need not refer again to the subject. I shall therefore proceed to give an account of a fresh description of interments, to which, indeed, I have already alluded in my former work. It has become the more important to render this known in detail, as I have since witnessed a similar mode of interment at Veii.

There was, then, a time when it was the custom to deposit the dead in a deep grave, and to deck this their last home with a variety of valuable objects. This done, they filled up the whole of the hollowed space to the very edge with huge rough stones, the weight of which crushed the body, and the objects deposited with it. However strange such a fashion of burial may appear, the repeated instances of it we now have leave no doubt on the matter. It will, in particular, be worth while to relate the discovery of two tombs at Veii, as I was present at the time.

As the excavators were searching for tombs on the summit of a hillock there, after removing a little soil, they discovered that the *tuffo* rock had been cut, which was a certain indication of a tomb. This time, however, they had not before them one of the usual passages which lead to the gate of the *hypogeum*, but a quadrangular space open to the sky, and twenty palms in depth. This was filled with fragments of rock, which they set about removing with care, not

knowing what might possibly be met with below. Proceeding in this manner, they came on a sort of recess cut in the right wall of this square space, in which they found a large bronze basin with hooked handles, and three ribbed bowls (Pl. III. fig. 1) of elegant form. There was also a double plate of copper, the surface of which was divided into squares by lines and a double raised beaded pattern, the centre of each square compartment being filled in with concentric circles. This plate was edged by two copper rods, one of these being flat, with a row of bronze birds fixed on it,^a and the other round, from which small ornamental plates of copper are suspended by small rings. This object (Pl. IV. fig. 2) had four wheels, and in its centre was a basin over which passed a broad strip of metal with a sunken hollow in it, answering to the basin below. It probably was used as an incense burner, and corresponds with a similar relique from Cervetri,^b now in the Vatican Museum, and another in the Barberini Palace, found at Præneste.

There were further three objects composed of copper rods bound together in threes or fours by transverse rods, ending in volutes with rings, to attach a small chain or strap for carrying them by. These must have served for incense burners. (Pl. III. fig. 5.) Also, a small bronze barrel, a pipe with a shifting handle, and a small tripod.

There was also an ivory vessel, encircled at top and bottom by a copper hoop, and charmingly ornamented around by vertical strips of copper, the intervals between these being filled up with amber veneered on the ivory beneath. (Pl. III. fig. 4.)

In the left wall was a vaulted niche, in which a wooden box was found, bound with iron, containing six little vessels of fine white earth, with no other ornamentation than wavy lines marked on them before burning. In the centre of the floor lay a skeleton with a spindle and whirl of amber by its side,^c (Pl. V. fig. 3) and two little sticks of amber, with slight copper rods passing through them, and covered with leaf gold, which possibly may have served for a distaff; also, a silver plate. About the skeleton were scattered a great quantity of tiny rings of yellow and blue enamel, similar to those so frequently met with on the breasts of Egyptian mummies.

From all these circumstances we may infer that a woman lay interred here, and the more so from the objects I am about to describe discovered in excavating the adjoining tomb, which was also filled with stones. Here, then, after clearing a few palms in depth, two repositories appeared cut in the wall on the right and

^a Compare *Iliad*, xi. 633, for these bird forms.

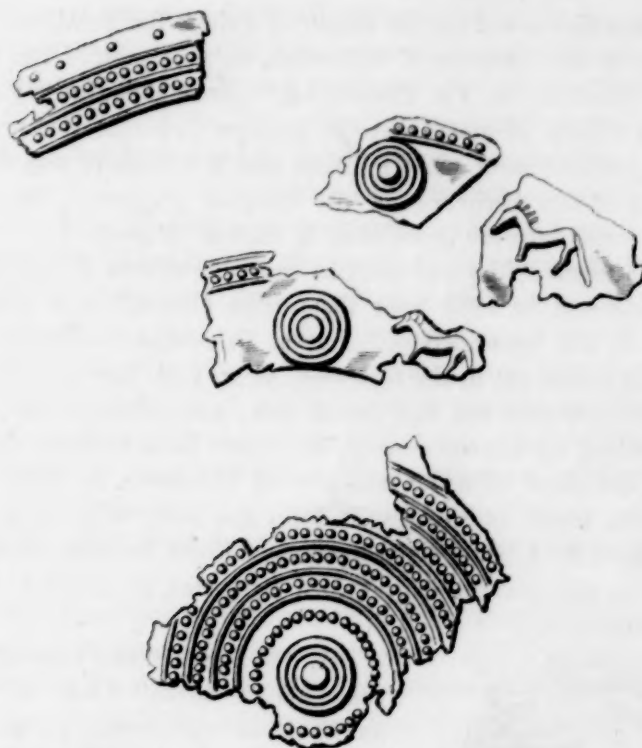
^b Canina, *Etruria Marittima*, pl. lviii. fig. 1, 2.

^c Compare Herodotus, iv. c. 162.

left, and in them bronze vessels covered with patina. In the midst of the excavation, among the stones, were two bronze horse-bits, which must have belonged to the car found here afterwards. The excavation had advanced thus far when I was taken to see it. On descending into the hollow I perceived two pieces of iron projecting from the left side. I got this spot cleared and drew out about the half of a thick tire of iron, with some nails and plates of pure copper, which showed a car had been placed here, in connexion with which were doubtless the just-mentioned bronze horse-bits. To the pole of this car we may also refer six plates and nails of copper which had been employed to strengthen it. The lateral recesses contained a great number of bronze articles, but entirely broken into fragments beneath the weight of the superincumbent stones. Nevertheless there is sufficient evidence for asserting that, besides a bronze jug (Pl. III. fig. 3) and several other vessels, there were parts of two bronze shields, the ornamentation of which perfectly resembles that on the shields found in the Prænestine tomb, which are now in the possession of Signor A. Castellani. There is in particular the form of a quadruped, in raised work, which exactly corresponds with the design of one of the shields in question. (Pl. IX. fig. 1.) I am also of opinion that the helmet was here, and to this, I conjecture, belonged a double strip of thin



BRONZE SHIELD FROM VEII. SCALE $\frac{1}{2}$ LINEAR.



FRAGMENTS OF BRONZE SHIELD FROM VEII. SCALE $\frac{1}{2}$ LINEAR.

bronze, with a raised ribbed and beaded ornamentation of the form of those exceedingly lofty crests on the helmets of Mars in the ancient Umbrian style. (Pl. IV. fig. 1.)

After three days the floor was reached, whereon lay a skeleton with two iron daggers,^a one on either side, in their ivory sheaths inlaid with small squares of amber, and handles also adorned with strips of amber. (Pl. VI. fig. 2.) There were also two bronze chased fibulæ, and a spear-head of bronze with wide blade; and probably some bronze draughtsmen, flat on one side, and round on the other, only one of which was dug out of the mass of mud which enveloped all the objects on the floor.^b

From the tombs of Veii, I shall now proceed to describe those of Præneste,

^a An iron dagger was also found in the Regolini-Galassi tomb at Cervetri. *Monumenti de Cære Antica*, by Cav. L. Grifi. Roma, 1841, pl. v. fig. 3.

^b These small hemispherical objects are called *pessuli* by Braun (Bull. Inst. 1865, p. 217), and *calculi*, or *latrunculi*, by Minervini (Bull. Arch. Napol. 1853, p. 192, tav. viii. f. 5-6), who has published three of stone, and of different colours, found in a tomb at Cumæ.

one of which was discovered on the estate of Prince Barberini, and the other on some property of the Chapter of Palestrina, on a branch of the Via Labicana, just before it falls into the Via Prænestina.^a Here, though the various reliques found beneath a heap of stones were broken, yet they still retained some form. For a right apprehension of what remains, and the mode of restoring it, we can avail ourselves of the discovery on the Chapter property. Fortunately these reliques have come into the possession of Signor Augusto Castellani, who has succeeded, with great ability and care, in restoring almost the whole. The first tomb was discovered in 1855 near the Casina Cecconi, at a place called La Colombella.^b It will be understood that at Palestrina sepulchres of this kind, instead of being rooms cut in the *tufa* rock, as at Veii, are open trenches dug in the solid earth. Stones are not found here, and consequently, as they are required for filling up the interments, they have been brought down from the mountain, on the slope of which the city of Palestrina is built. They are of white limestone, rough as when split from the rock, without a trace of lime having been used for binding them together. From beneath them were taken the rich reliques now preserved by Prince Barberini, an account of which I will proceed to give.



PANTHER'S HEAD OF BRONZE, PRÆNESTE. SCALE $\frac{1}{2}$.

Garrucci, Dissertaz. Arch. pl. xii.

^b Ib.

^c Compare the account given by Herodotus of similar Grecian works of a far later period, as the copper or

1. There was first a large circular bronze vessel with three heads of animals for handles, two representing panther's heads and one a griffin's, or horned snake's; the style being archaic. It has been fancied that these heads were turned inwards facing each other; on the contrary, they protrude from the body of the vessel, with the faces turned downwards.

2. A vessel of thin sheet copper (Pl. VI. fig. 1) in form of a reversed truncated cone, on which are represented, in low relief, two rows of animals, both real and fabulous. In the centre of the upper row is the figure of a woman, with a cloth drawn tight round the loins, sitting on a horse. She holds the reins in the left hand, while the right is extended, and holding some re-curved implement. Be-

fore her is a stag, and a centaur with human figure and the body of a horse joined on to his back, as in the most archaic forms. This figure is similarly girt about with a tight cloth, and holds a bough in the right hand. Then follows a sphinx, between the fore-legs of which hangs an apron. Behind the horse are a dog, a large antelope, and a chimæra. In the lower row, just below the horse, are two large cocks, without crests or wattles; then on the right a leopard and a bull; on the left a roebuck and a griffin. Below is an ornamentation of bean-leaves. Traces exist of the handle, which seems to have been of iron.

3. A bronze bowl and iron tripod, the feet of which are of bronze, and represent those of a goat.

4. A little car on four wheels, with a brazier, over which passes a sheet of copper hollowed into the form of a cup, in which possibly perfumes were burned. This resembles the vessel found at Veii, described above (Pl. IV. fig. 2), and another found in the Regolini-Galassi tomb at Cervetri,^a now in the Etruscan Museum at the Vatican.

5. A circular bronze vessel supported by three fauns, of the rudest workmanship.

6. Other bronze vessels and jugs of elegant form, some of which were ribbed.

7. Silver cup with bas-reliefs of animals.

8. Silver handle of a silver cist, only a few fragments of which were found.

A similar handle, with the cist itself, was found in another excavation which I will proceed to describe.

1. A gold fibula, broken into two pieces, with four rows of small sphinxes. Its form can be perfectly made out by comparing it with a similar one ornamented with sixteen sphinxes found by the Sigg. Calabresi, at Cervetri.^b (Pl. VII. fig. 3.)

2. Golden tag, of a belt probably, with three heads of lions, and three harpies in filigree work.

bronze bowl—*κρητήρα χάλκεον*—sent by the Lacedæmonians to Cræsus. (Clio. 70.) He describes it as covered with a variety of figures on the outside—*ζωδίων τε ἔξωθεν*. On such a vast surface engraving would be lost, so we may conceive the ornamentation was in embossed or *repoussé* work, as is the case with this Praeneste vessel. Again, Herodotus describes the votive bowl of the Samians as fashioned like an Argolic bowl, with projecting griffin's heads around it—*γρυπῶν κεφαλαὶ πρόκροσσοι*. (Melp. 152.) Now these may have been a number of the very same projecting handles (*protomi*) in some similar zoomorphic fashion. Compare the bowl in the Vatican Museum from the great Regolini-Galassi tomb at Cære, in Etruria Marittima, pl. 57. The Grecian taste in such forms is further exemplified in the mention of the house of Scylas, round which were griffins and sphinxes of white marble. (Melp. 79.)—W. M. W.

^a Canina, Etruria Marittima, pl. lviii. figs. 1 2.

^b It should be mentioned that the tomb at Cervetri contained merely this beautiful work of art, and

3. Gold point, probably of a sceptre, with filigree ornamentation.
4. Six gold pins.
5. Large armilla of gold, with four rows of sphinxes, and its clasp to fix it on the arm.
6. Close to this were found two bracelets of the same size, of purple stuff worked on strips of gold, and with a row of little golden birds pendant from it.
7. A lion couchant, in ivory. On its back reclines a male figure with hair standing upright, and extended arms and legs. There are some traces of another human figure. (Pl. V. fig. 2.)
8. Three fore-arms and hands of ivory, with an ornamentation in relief, of four successive circles of lions and bulls. Between the animals are palm and other trees. (Pl. VIII. fig. 1, 2.)
9. A fractured conical ivory cup, perhaps the top of a distaff, with a double row, in relief, of winged lions going to the left. (Pl. VIII. fig. 3.)
10. Two horse's heads, lions couchant, and five statuettes in human form, perhaps the ends of *discernicula* or similar objects.

The objects I am about to mention have not hitherto been kept distinct from the preceding, but I am of opinion that the husband lay buried with his wife in this grave, and that the following reliques were his.



PART OF A BAS-RELIEF, WINGED GRIFFIN.
PRÆNESTE. SCALE $\frac{1}{2}$.

These objects then consist of fragments of shields of thin bronze; some remains of a car; and a large bronze bowl with raised ornamentation of figures of winged griffins, and twining shrubs among them. On the ground are rows of flowers. I cannot learn that any spears, swords, or poignards were found, but such probably was the case, though all traces are now lost. In the Barberini collection are poignards, and long iron swords (Pl. IX. fig. 2), with their hilts covered with amber, but it is not known in which excavation they were found.

three small terra-cotta figures of the most archaic form and workmanship. These represent females in a

I must now give some account of the reliques found in a similar tomb close by, which also were crushed by the white stones. This tomb was excavated on the right of the same branch of the Via Labicana, about a mile before it falls into the Via Prænestina, and the reliques are now in Signor Castellani's collection.

The excavators appear to have kept no account of the iron things that were found, but solely of the gold and silver, bronze, copper, and amber.

1. Two bronze bowls, and a vessel of very singular form with handles. The latter is of considerable size, and formed of plates of copper; from the body of the vessel a conical neck rises abruptly, and from the bands, which surround both neck and body, project pointed studs.

2. Three shields of thin bronze with raised ornamentation, and rude forms of animals. (Pl. IX. fig. 1.)

3. The open silver ornamentation of a *situla* (Pl. X.) divided into several bands or stories. The *situla* was probably of wood, encircled by this silver work. On the base is an ornamentation of palm and bean leaves; on the story above are figured bulls turned to the left, in a very archaic style; on the third are portrayed winged griffins turned in contrary directions; on the fourth are sphinxes in a sitting posture. On the body of this *situla* are affixed two plates that terminate in little hooks to receive the handle. On these are represented in vertical order four little winged forms with wide tunics, and over them a head terminating below in volutes and above in the aforesaid hooks into which the ring of the handle enters. The cover of the *situla* (Pl. XI. fig. 1) has a beautiful open flower in its centre, with three rows of petals, and around it volutes ornamented with palm and bean leaves. The form of the *situla* restored is shown in Pl. XI. fig. 2.

4. About eighty pieces belonging to necklaces and bracelets of silver in the form of acorns with rings, &c. through which passed the cord that held them together. (Pl. VIII. figs. 4, 5, and Pl. XIII. figs. 2, 3.)

These necklaces and bracelets correspond with those engraved on the cists and mirrors, as also on a bronze, in the Kircherian Museum of the Collegio Romano.

5. Round discs of silver with hooks to attach them to the necklaces and bracelets. These are occasionally plain, but for the most part have an ornamentation of flowers chased in the centre, and triangles round the edge. (Pl. XII. fig. 2.)

crouching form, and clad in an ample kind of cloak, chequered like a plaid. On the shoulders are brooches, resembling that before us in shape, but without the raised ornamental work. The Cervetri fibula, now in the possession of Sig. Castellani, is of electrum, rather than gold, coated over lead. This branch of the goldsmiths' art was well known to the Greeks. Compare *Odyssey*, vi. 232. A fibula of the same form is in the Blacas Collection, stated to have been found in the Campagna of Rome.—W. M. W.

6. Plates of silver with hooks, straight on one side and curved on the other. These are edged by a filigree ornamentation and a series of triangles. In their centre on the straight side is a row of circles or little wheels, and on the curved side a frog swimming in the midst of the waters, which are represented by zig-zag lines, as in the Egyptian hieroglyphics. (Pl. XII. fig. 2.)

7. Amber in various forms and pierced at the upper end for necklaces.

8. A considerable quantity of leaf-gold used for banding the fibulæ, and the little rods of amber resembling those found in the tombs of Veii.

9. Two cups and a vase of silver. One of these cups (Pl. XII. fig. 1) is covered with rows of little raised beads, and the circular inside centre of the base is divided into two parts. In the upper part, from the middle of a kind of veil, rises the head of Isis bearing the *ocum primigenium*. Behind her is seen the head and half of the wings of a vulture, on the head of which in like manner reposes an egg, and beneath rises the *uraeus*. Before the goddess is the sceptre. The lower half is edged by two bands—an external one of ovals, and an inside one of vandykes.

10. Several small human heads in gold, terminating in bivalve shells, with rings at the points for stringing on a necklace.

11. Two sleeping lions carved in ivory, resembling a similar relique in the Barberini collection, mentioned at page 16.^a (Pl. V. fig. 1.)

Signor Augusto Castellani, who purchased these reliques, and has had them restored in the most careful and admirable manner, is entitled to the fullest gratitude of all who take an interest in the arts, and in archæology. We are, moreover, not only indebted to him for the preservation of these reliques, but also for that of the further ones I am going on to describe.

These were found at Palestrina, in the last excavation made by Pier Luigi Galeassi on the property behind the little church of S. Rocco, and which may be considered a continuation of my researches in the Vigna Velluti, inasmuch as the same *tufo* tombs, containing similar scanty reliques, were also found here. Among these, however, he was fortunate in discovering one of the singular tombs filled with masses of rock, as before described.

1. When, then, he had got down to the soil on which the skeleton lay, he found two gold chased bracelets divided into six compartments, and above each

^a Both these ivory carvings are fractured at either end, and would seem to have formed part of some article of ornament or furniture, which was totally destroyed by the stones. A similar design occurs on the ornamentation of a bronze tripod of a later period, found in a tomb at Vulci (Etruria Maritt. pl. cxii. figs. 1, 6, 7). It would seem that the early design in ivory, possibly foreign, had become traditional in the country.—W. M. W.

three female figures erect, with palm trees between them. In the two last compartments are three youthful figures, with two lions between them. The central figure is holding these by the paws, while the figures on the outside hold the tails. Similar bracelets were found in the Cervetri excavations, and are now in the Etruscan Museum at the Vatican.*

2. There was further found what very probably was a breast decoration. It is formed of two plates of silver joined by silver wires twisted in spirals. On the two plates are raised figures of swans, and nude human forms standing between the swans. On the head of each is a small globe. (Pl. VII. fig. 1.)

3. Two golden *opæes* or bracelets in the form of spiral serpents.

4. Several pieces of amber for necklaces, among which are two in the form of apes, and a human figure standing with the right hand on the breast, and the left bending downwards, as though covering itself in front. The cord of the necklace passes through the ears, which are of round form.

5. A ram's head in glass paste, also for suspension on a necklace.

6. Some fibulae of silver and amber, similar in form to those of bronze. The amber ones were banded with gold-leaf stamped in lines, as we noticed also in the first sepulchre at Veii.

7. Two thin gold plates, with female figures crowned, similar to those formerly found at Cervetri.

8. A circular bronze vessel, ornamented with strips of amber, and some substance like leather, covered with gold leaf and stamped with lines, which must have been set *cloisonné*.

9. At a short distance from this tomb lay a skeleton bearing a breast ornament of sheet gold, marked with the usual lines, and ornamented with the pieces of amber found around it. (Pl. XIII. fig. 1.)

10. In another part of the ground, not far removed, another skeleton was found, with some dark decayed substance on the breast, as cloth or skin, in the middle of which was a piece of rock crystal. At the head and sides were three silver fibulae.

11. Two fibulae, or pendants of silver, in the form of spiral cords, each of which sustains by a hook a little winged female figure. At the top is a similar figure between two winged lions; but it has nothing more of the human form than the head, below which are seen two open wings. Beneath these descends a kind of girded tunic. (Pl. VII. fig. 2.)

* Etruria Marittima, pl. liv. figs. 4, 5.

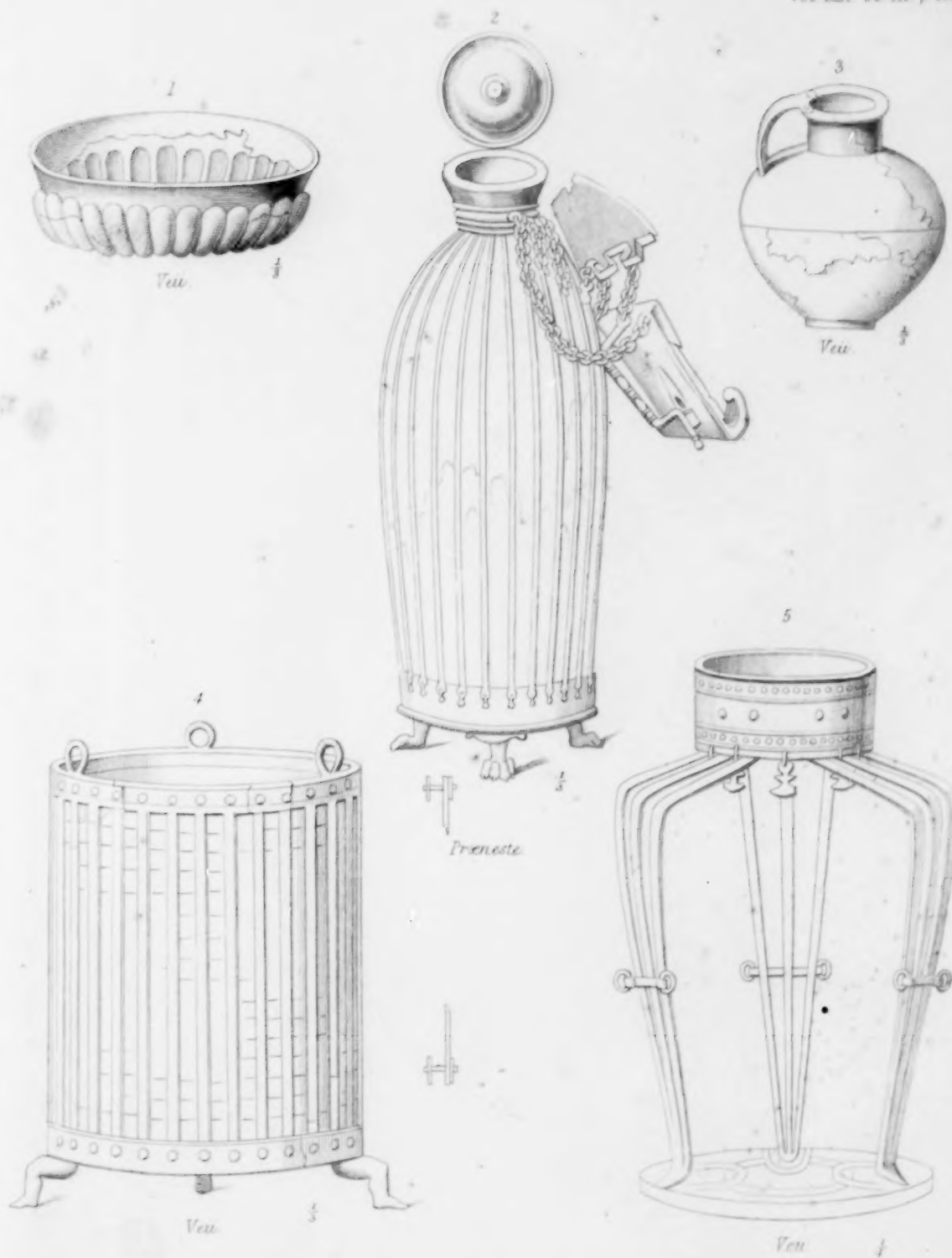
Here terminates my description of the reliques found in the tombs of Veii and Palestrina beneath the masses of stones, and I now leave the learned to deliberate as to what nation this remarkable custom may have appertained. In my opinion it must have been that of the Tyrrhenian Pelasgi. The letters and syllables discovered in a very important tomb at Cære, which closely corresponds with the famous one there (the Regolini-Galassi) where *Larthia* lay buried with her husband,* evidently belong to a period anterior to Etruscan sway, when this city bore the name of Agylla, and belonged to the Tyrrhenian Pelasgi. The same people must also, with Agylla, have held Præneste and Veii—that is, all the domain around the *Palatium* of Evander, itself a city of the Tyrrhenian Pelasgi, before the Latin or Sabine Æqui occupied Præneste, or the Etruscans established themselves in Veii and Agylla.

I do not mean to say that all the various reliques from Veii, and Cære, and Præneste, which we have just compared, have either a Pelasgic origin, or have come by Pelasgic agency; on the contrary, I distinguish in them three different styles of art—Egyptian, Etruscan, and a third, totally dissimilar from either of the former, which may be attributed to the Pelasgi. To this it seems to me belong the arms and vessels of bronze. Moreover there is no reason why *Larthia*, an Etruscan lady, should not have married a prince of Agylla.

R. GARRUCCI.

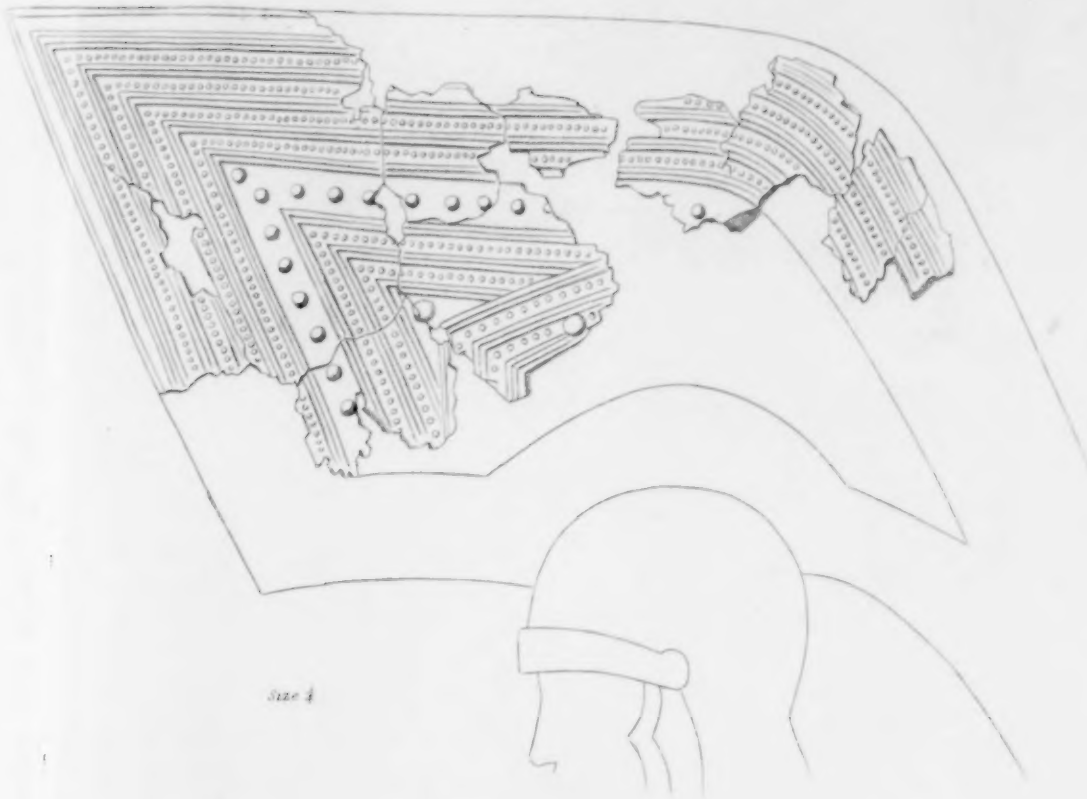
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* Canina, Etruria Marittima.



ANTIQUITIES FROM VEEII AND PRAENESTE.

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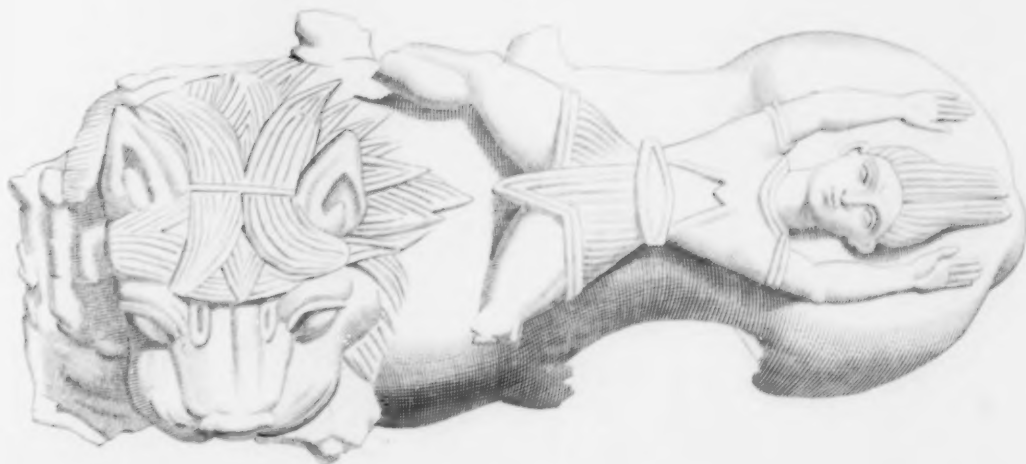
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BRONZES FROM VEII.

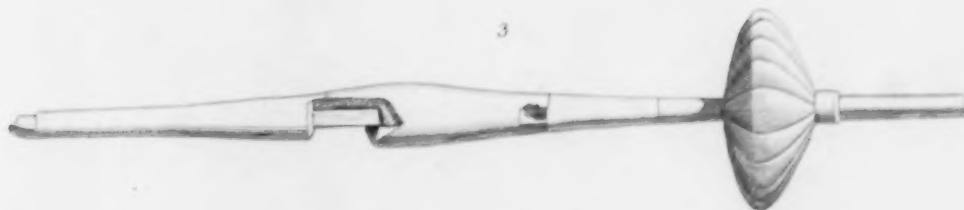
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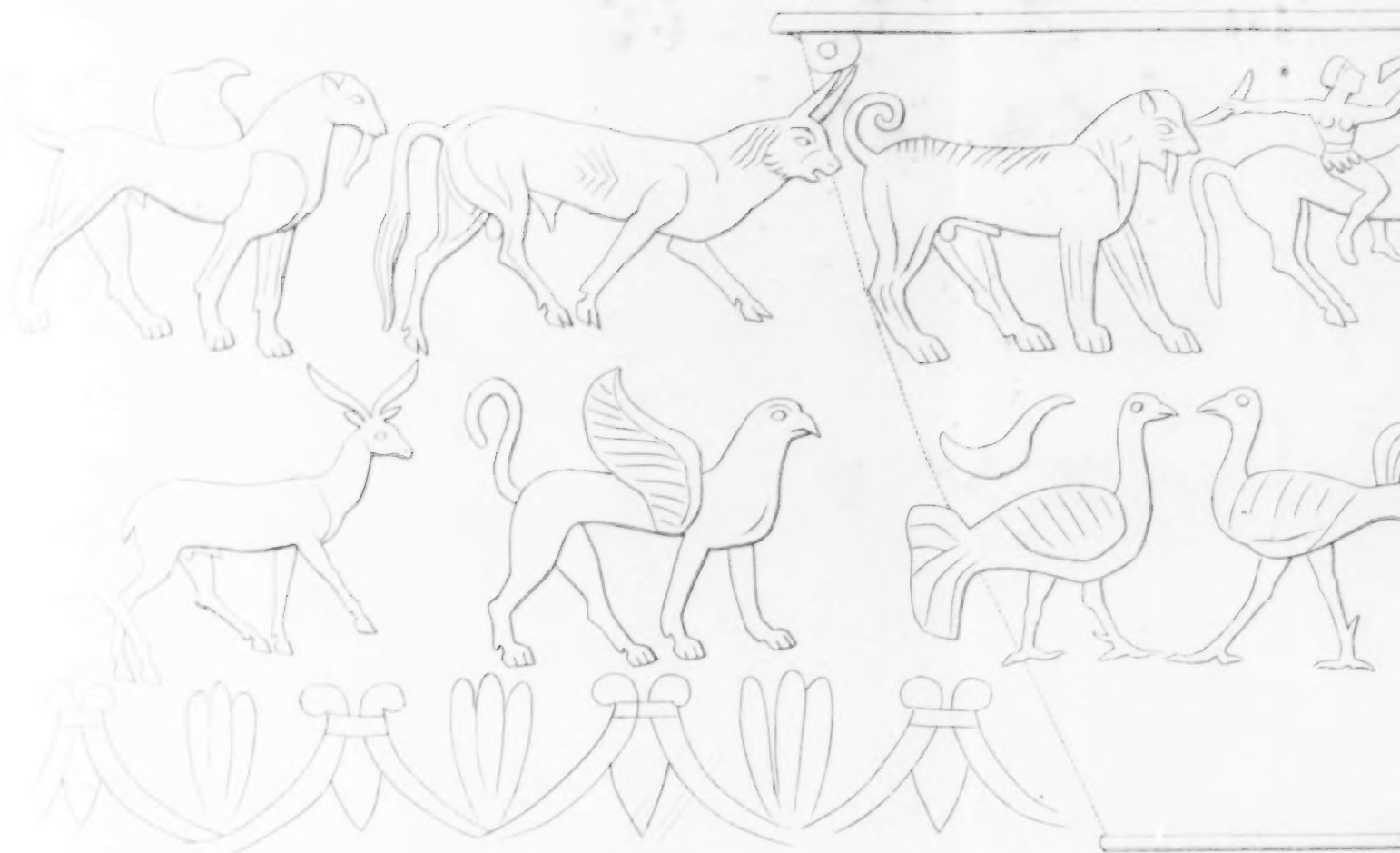
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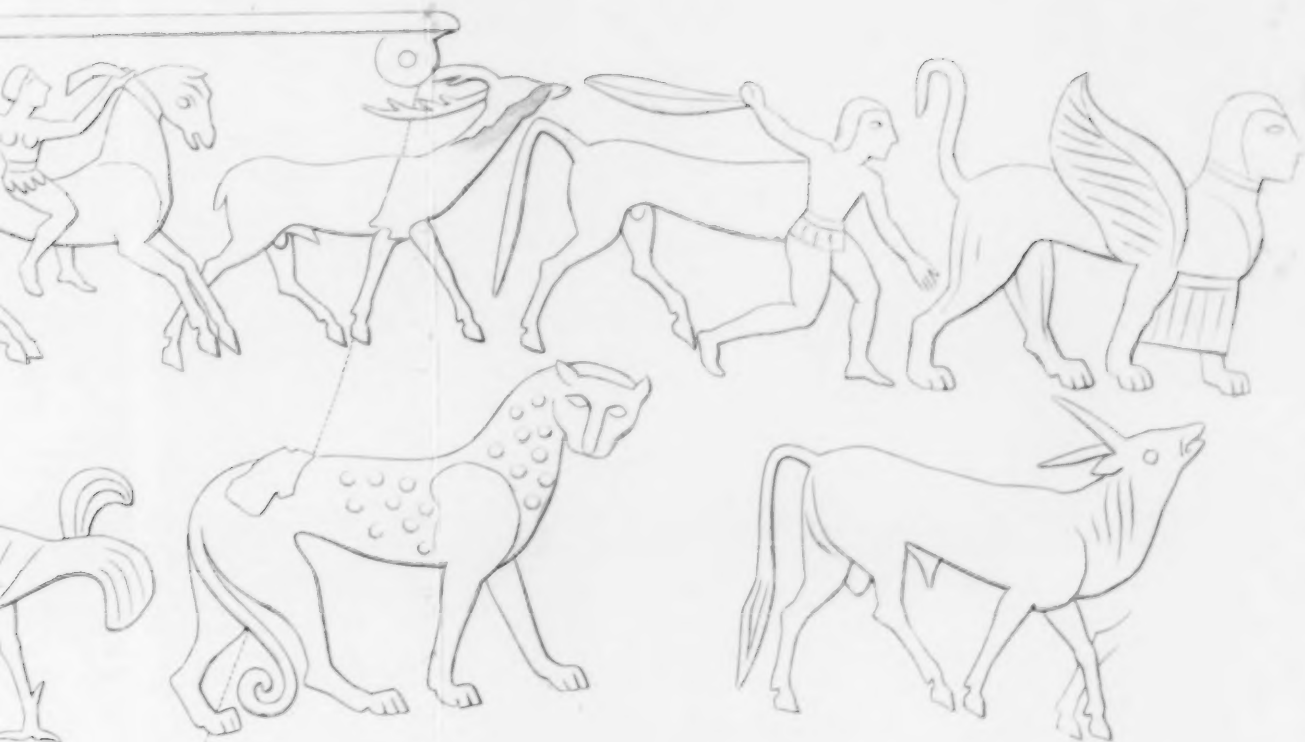
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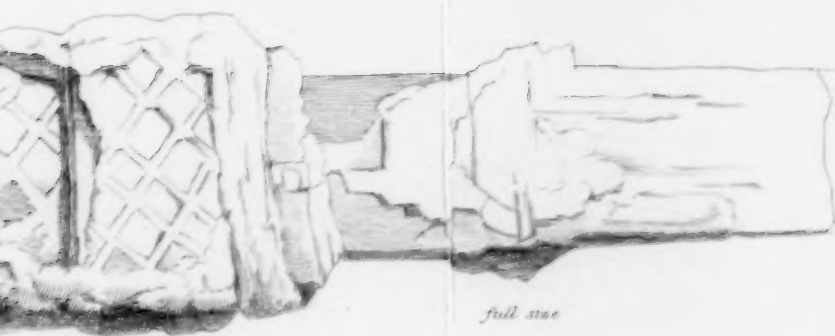
IVORY CARVINGS, PRANESTE, AND AMBER SPINDLE, VEIL.
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BRONZE VESSEL FROM PRÆNESTE, AND IRON

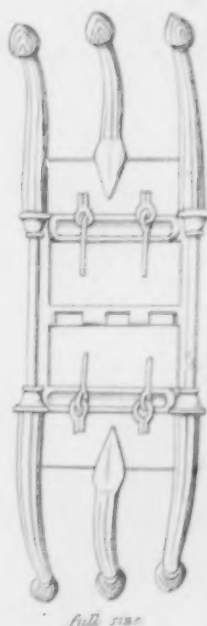
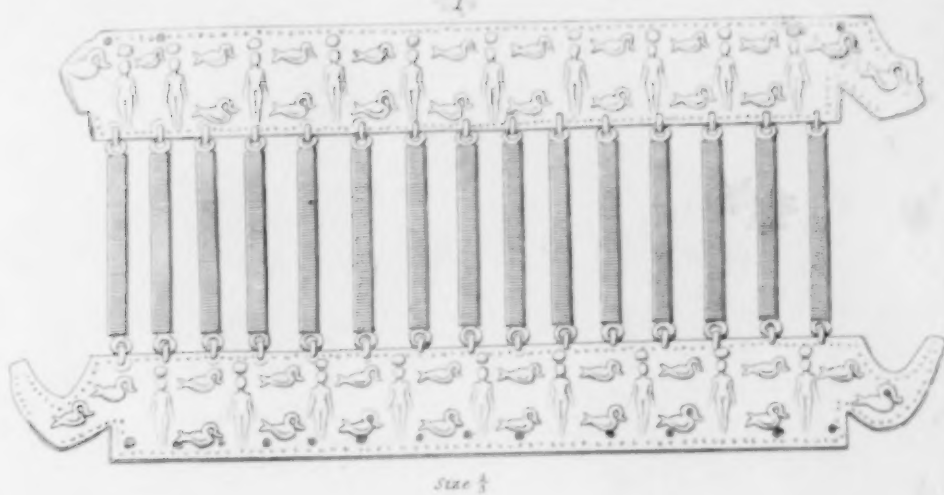


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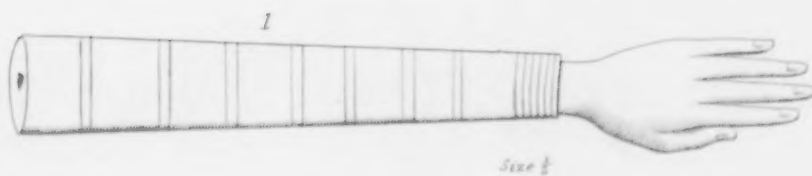
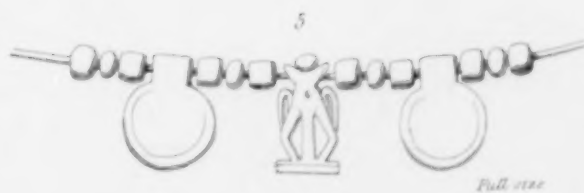


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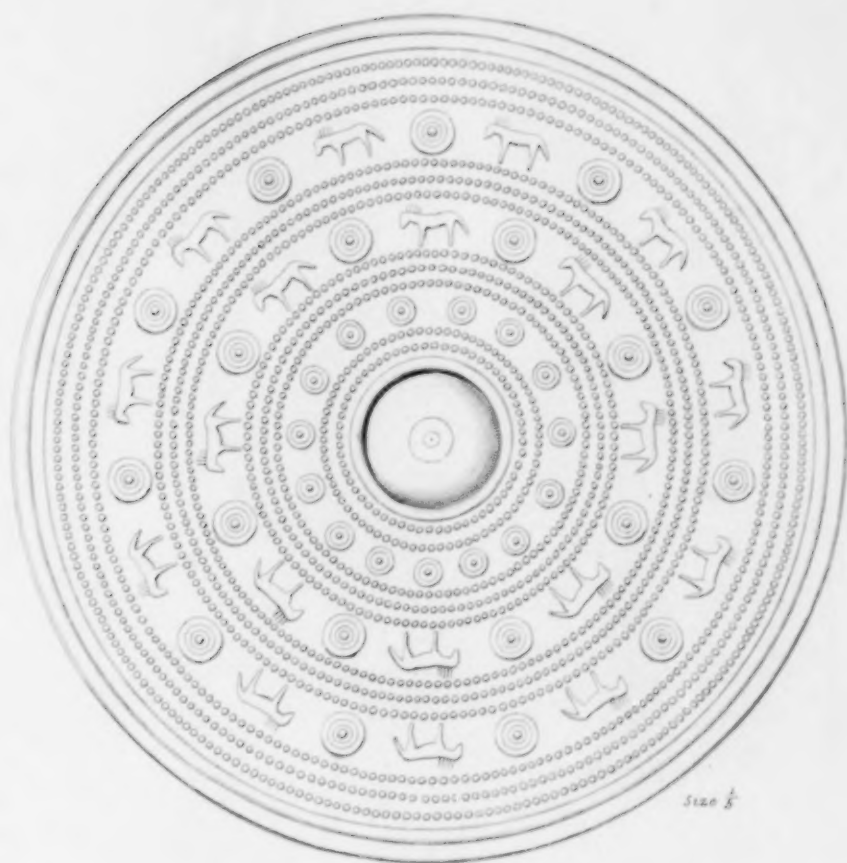
IRON DAGGER FROM VEIL.



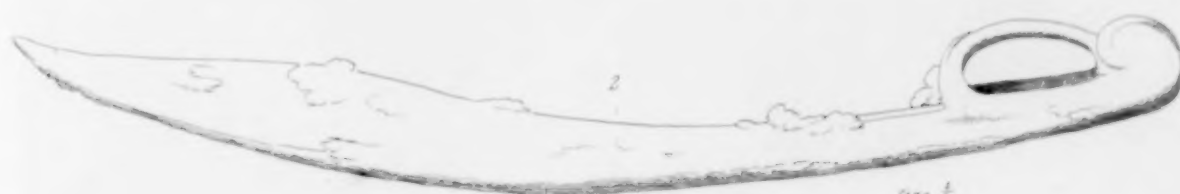
ORNAMENTS OF SILVER AND GOLD, PRÆNESTE.



IVORY CARVINGS, AND NECKLACES. PRÆNESTE.

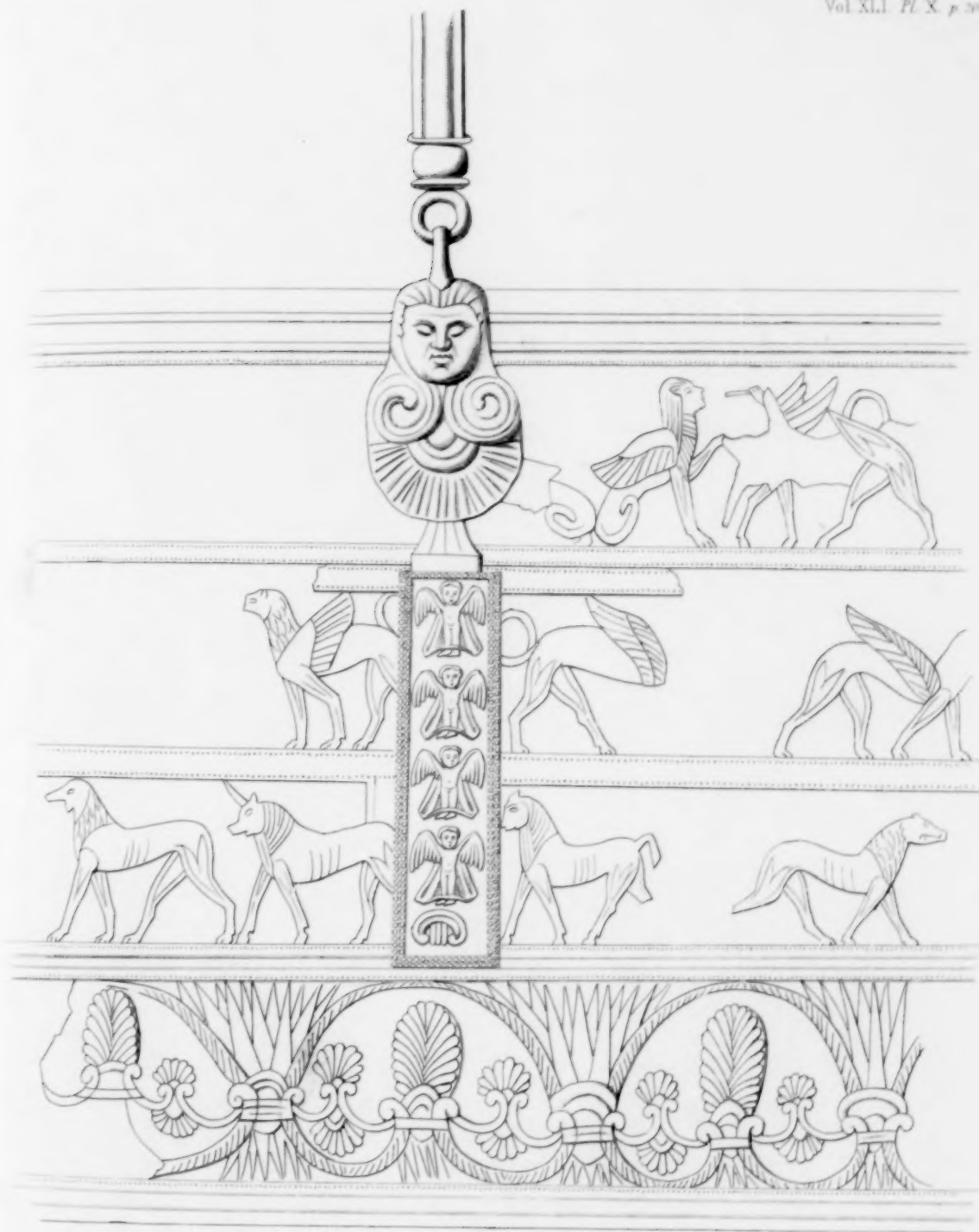


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BRONZE SHIELD AND IRON SWORD. PRÆNESTE.



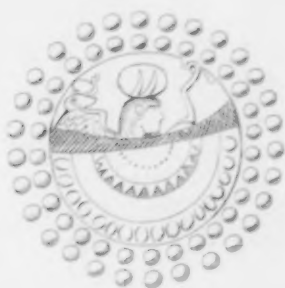
SILVER ORNAMENTS OF A BUCKET, PRAENESTE.

Full Size



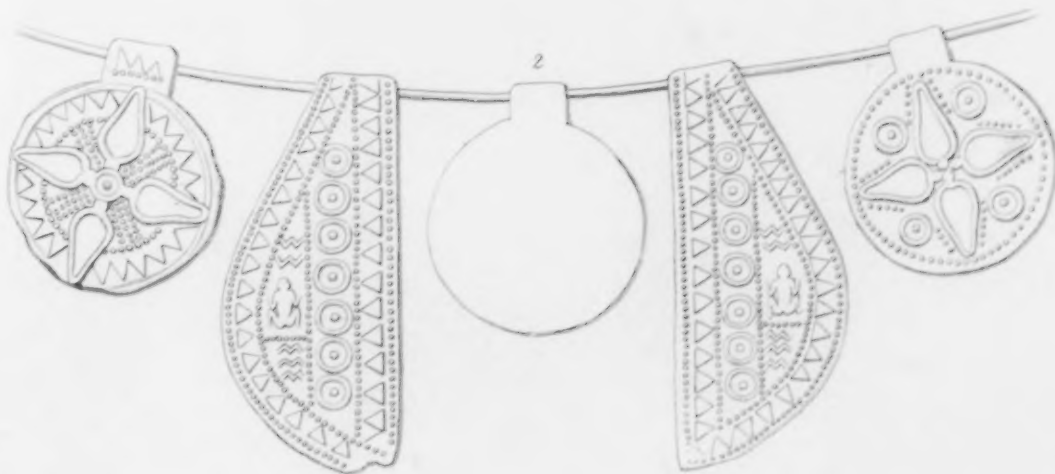
BUCKET WITH SILVER ORNAMENTS AND ITS COVER. PRÆNESTÆ.

1



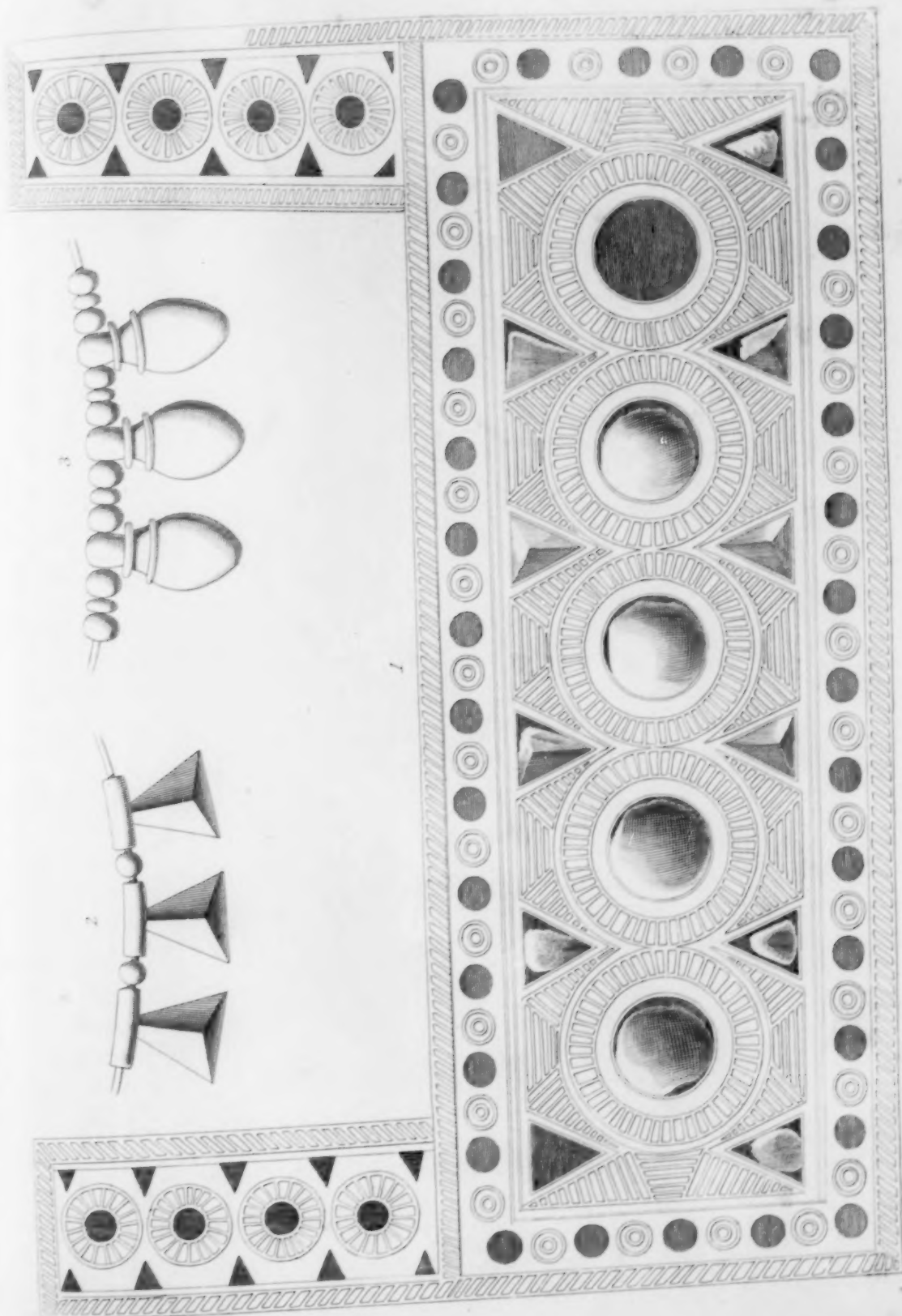
Pattern within bowl

2



SILVER OBJECTS. PRÆNESTE.

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NECKLACES AND GOLD ORNAMENT, THEBES.

See also

XI.—*On the Legal Procedure of the Anglo-Saxons*: by HENRY CHARLES COOTE,
Esq. F.S.A.

Read December 14th, 1865.

THE Anglo-Saxon legal procedure has failed to attract the attention either of the antiquary or the lawyer. The causes of this neglect, however, do not readily suggest themselves. As a practice it must have had merit, for amongst other germs which fructified under the fosterage of the Norman we find in it that of the English jury in a state of inception prompt for further development. With such bearings upon the future, this legal procedure may, I think, be reasonably regarded as a subject worthy of antiquarian research.

The Anglo-Saxon law discriminated its legal practice according as the object of the proceeding was reparation to an individual or vindication of the public interest. In other words, as it recognised civil suits and criminal prosecutions, so it varied its procedure in relation to each.

Of the Anglo-Saxon civil suit, the incidents were such as inspired confidence in a suitor whether he sought to protect a right or to assert it. The system must therefore have been settled and unswerving, such as a weak man could appeal to, and a powerful man could not override. Nothing can more forcibly illustrate the consistency of the system, and the confidence which it inspired, than a record which Mr. Kemble has edited in his great compilation.

King Æthelred, having satisfied himself by an extra-judicial inquiry, conducted in his own way, that certain lands at Hæceburn and at Bradanfeld, though occupied by one Leofwin, belonged of right to one Wynflæd, "sent straightway to Leofwin and signified this to him. Then would he not unless it was shot (referred) to the County Court (scirgemot). Then did man so;" and the cause was tried at the County Court after the usual manner of civil actions.*

We may regard this record as proving two things—that the right of a freeman to have his matters adjudicated in the Court of his county could not be superseded

* Cod. Diplom. vol. iii. p. 292.

XI.—*On the Legal Procedure of the Anglo-Saxons*: by HENRY CHARLES COOTE,
Esq. F.S.A.

Read December 14th, 1865.

THE Anglo-Saxon legal procedure has failed to attract the attention either of the antiquary or the lawyer. The causes of this neglect, however, do not readily suggest themselves. As a practice it must have had merit, for amongst other germs which fructified under the fosterage of the Norman we find in it that of the English jury in a state of inception prompt for further development. With such bearings upon the future, this legal procedure may, I think, be reasonably regarded as a subject worthy of antiquarian research.

The Anglo-Saxon law discriminated its legal practice according as the object of the proceeding was reparation to an individual or vindication of the public interest. In other words, as it recognised civil suits and criminal prosecutions, so it varied its procedure in relation to each.

Of the Anglo-Saxon civil suit, the incidents were such as inspired confidence in a suitor whether he sought to protect a right or to assert it. The system must therefore have been settled and unswerving, such as a weak man could appeal to, and a powerful man could not override. Nothing can more forcibly illustrate the consistency of the system, and the confidence which it inspired, than a record which Mr. Kemble has edited in his great compilation.

King Æthelred, having satisfied himself by an extra-judicial inquiry, conducted in his own way, that certain lands at Hæceburn and at Bradanfeld, though occupied by one Leofwin, belonged of right to one Wynflæd, "sent straightway to Leofwin and signified this to him. Then would he not unless it was shot (referred) to the County Court (scirgemot). Then did man so;" and the cause was tried at the County Court after the usual manner of civil actions.^a

We may regard this record as proving two things—that the right of a freeman to have his matters adjudicated in the Court of his county could not be superseded

^a Cod. Diplom. vol. iii. p. 292.

by the interposition of authority; that the confidence which a defendant could feel in the method of that Court, though his antagonist were supported by the *magnates* of the nation, could only have been inspired by a knowledge that its proceedings were consistent and regular.

That being the character of the procedure, it should not be difficult, and it may be curious, to resuscitate its legal order.

In the first place, it would seem that an application of some sort was made by a plaintiff to some person having authority in connexion with the shire and its judicature. It is not, however, quite clear what this preliminary step was.

It may have been an application to the ealdorman sitting amongst the assembled county judges,^a or it may have been made to the sheriff out of Court.

The immediate consequence of this step was the granting to the plaintiff of a summons against the defendant.^b In the words of the Anglo-Saxon law, the latter was mooted to a County Court to attend on some day during the ordinary sittings of the scyrgemot, or at a Court specially appointed.^c

The plaintiff equally with the defendant received a summons to attend the Court.^d

On the day appointed, both suitors, if obedient to the summons, attended the Court. They brought with them their several witnesses, and the trial took place.

Such a trial (one of ejectment) has been *resumé* by an Anglo-Saxon lawyer in these words:^e

"Calumniam explicuerunt, et causam ventilaverunt ac discusserunt; cognitâ-que rei veritate, per iudicium abstulerunt Bluntesham a filiis Bogan pro duabus causis."

^a See the expression in Ine's Laws, c. 8. (Ancient Laws and Institutes published by the Record Commission.)

^b In the laws of Hlothære and Eadric (c. 8) it is said, "If a man make plaint against another in a suit, and he cite (moot) the man to a methel or a thing," &c. (Gif man oðerne sace tihte, and he ðane mannan mote an meðle oþpe an þinge). Here the plaint precedes the citation or summons. In the Book of Ely (p. 150 of edit. London, 1848), Brihtnoth the ealdorman orders a defendant to be summoned (jussit summoneri). These two passages being read together support the assertion in the text.

^c Besides the ordinary sittings of the County Court, which were five in number, three being held in cities and two in the country, the ealdorman could appoint as many others as should be necessary. (Cnut's Laws, Secular, c. 18, buton hit ofter need si.)

^d Book of Ely, (ed. Stewart) p. 139. "Nec mora, fit maxima concio, summonetur Wlnothus (defendant) ad placitum, summonentur et filii Bogan (plaintiffs)." See p. 138, *ibid*.

^e Book of Ely (*ibidem*). I attribute the expression to an Anglo-Saxon lawyer advisedly. The writer, who in this chronicle describes Anglo-Saxon law-suits, shows the technical knowledge of a lawyer, and by his use of Anglo-Saxon inflections must have been an Anglo-Saxon, and not an Englishman writing *post Conquestum*.

In the concrete no modern could describe a trial at the assizes in words more satisfactory to those who care less for details than results.

To those who do not, I will endeavour to extend the summary into its Anglo-Saxon particulars.

As the first thing of all, the plaintiff was called upon by the judges to make his claim (*geagnian*).^a

This was initiated by his taking an oath describing his claim and averring that it was just and well founded.^b

This was the plaintiff's fore-oath, a step which could never be dispensed with.^c

If the plaintiff would not give it, judgment went for the defendant.^d

After this was done the plaintiff "led" his witnesses.^e

Attention is due to this word, for it expresses the voluntary attendance of witnesses upon a plaintiff, that which in Anglo-Norman law was afterwards called suit or suite.

This leading was peculiar to the civil action.

The witnesses so led by the plaintiff attended out of clanship, or perhaps the sense of justice and duty.

Their attendance was enforced by no legal compulsion; they were not subpoenaed and did not appear to a call. In a civil suit there existed no legal means of enforcing the attendance of witnesses either in the interest of plaintiff or defendant.

And, as it was in the power of these witnesses to stay away or refuse their attendance when and as they pleased, the trial of an Anglo-Saxon action was often deferred over a space of years.^f

This ultroneous character of the witnesses should be noted, as it is the great and leading distinction between the evidence in civil and in criminal cases.

The plaintiff's witnesses on their production all in turn took the following oath:

^a Cod. Dipl. vol. iii. p. 292. "Then man assigned Wynflæd that she must *geahnian*," &c.

^b Ibid. and Cnut's Laws, Secular, cc. 22.

^c Cnut, *as above*.

^d Book of Ely, p. 139: "Sed filii Bogan (plaintiffs) noluerunt suscipere juramentum, statuerunt itaque omnes ut Wlnothus Bluntesham haberet."

^e Book of Ely, pp. 130, 139, "produxit, adduxit;" Cod. Dipl. *as above*, Wynflæd "led the *ahnung*;" *Confessionale Ecgberti*, c. 34, "Se 7c b78 on a7c gelædd," &c.

^f Book of Ely, p. 141, "Qua de causa lis et altercatio permaxima orta est, et multos annos habita, inter eos;" and (*ibid.*) "res etenim eadem multis annis in lite versabatur."

"In the name of the Almighty God, as I here for N. in true witness stand unbidden and unbought, so I with my eyes oversaw, and with my ears overheard, that which I with him say."^a

If this oath be not sufficient to show that the witnesses gave testimony in a civil suit in the sense in which we now understand that term, we learn from another source that they did so; that they afforded details at the same time that they directly verified the fact or transaction in question.^b

It appears that a definite number of consentient witnesses was necessary to prove the plaintiff's case. If this definite number gave a consensual testimony, in the words of the Anglo-Saxon law the plaintiff gave the full oath.^c

It may be fairly supposed, however, that the number varied with the nature and character of the suit; the vindication of a strayed cow would not demand an equal number with the claim for a manor and its royalties. And witnesses would be more numerous in civil cases than in criminal, as the issue of the latter would be more narrowed.

If the full oath was not given, the plaintiff was non-suited.^d

If on the contrary it was given in its fulness, it then became incumbent upon the defendant to make out his defence if he had one.^e

If he had no defence, that is, if he would not consent to take the fore-oath which I shall presently mention, and which was the prelude to his evidence, the plaintiff was entitled to judgment.^f

^a See oaths in Thorpe's Laws. Also Cnut's Laws, Secular, c. 23.

^b Book of Ely, p. 150. The ealdorman "veniens ad Dittune, cepit ibi disserere et enarrare causas et calumpnias, conventiones, et pacta infracta, quæ habuit super eum, per testimonium multorum legalium hominum." See also a clearer instance at p. 130, "producti ergo testes . . . perhibuerunt testimonium, &c. Then follow details of evidence.

^c Cod. Dipl. vol. iii. p. 293. "Then she led the ahnung, &c. until all the full oath were forth come both in men and women." Book of Ely, p. 139: "Wlnothus adduxit secum illuc perplures viros fideles, scilicet omnes meliores de vi. hundredis . . . Tunc Wlnothus adduxit fideles viros plusquam mille ut per juramentum illorum sibi vindicarent eandem terram." Wlnothus was defendant.

^d This may be inferred from the fact of the law requiring the full oath to be adduced by the plaintiff.

^e See the Cod. Dipl. *as above*. Here the plaintiff had taken the fore-oath, and had led up the full number of witnesses, who swore with her. "Then quoth the witan, who were there, that it were better that man let (the defendant's) oath away than that man should give it, because thereafter there would be no friendship," &c. The judgment of the Court was that the land should be restored to the plaintiff.

^f Cod. Dipl. *as above*. Book of Ely, p. 150. "Cui, omnia illata deneganti et contradicenti, statuerunt ut cum jure jurando se purgaret; quod cum facere nequibat, nec, qui secum jurare debuerant, habere poterat, decretum est, ut eo expulso Brihtnothus alderman utrisque hydīs uteretur."

If the defendant had a defence he proceeded as follows :

The defendant took his fore-oath, deposing to his innocent possession or his lawful purchase of the chose in question, that the goods sold were sound, that the debt was paid, &c.^a He then led or produced his witnesses, who took an oath similar to that of the plaintiff's witnesses.

These witnesses were as voluntary as those of the plaintiff.

If the defendant's witnesses gave consensual evidence on the oath, some fixed number constituting a full oath, but which does not appear, the plaintiff's claim would be contradicted, and the defendant would be dismissed.^b

If this consensual evidence of the defendant broke down, *i.e.* if the full oath on his part was not given, the plaintiff was entitled to judgment, and obtained it of the Court.^c

From what I have stated in regard to Anglo-Saxon civil procedure, the reader will have seen that it is identical with what in succeeding generations was called in England the wager of law.

After judgment followed execution, unless the plaintiff consented to take security in lieu of immediate execution.^d

In the criminal prosecution the proceeding was as follows :

The delinquent was accused (probably at a County Court) by some person who *pro eâ vice* constituted himself prosecutor.^e

The accused was at liberty to give security to appear and take his trial if he could provide it, and the security might be given upon his own property or be that of bail. Otherwise he was consigned to a King's prison until the day of trial.^f

^a See oaths in the Laws.

^b This is to be inferred, as without it there could be no defence. It is supported by the analogy of the function of the other oath—the criminal oath. If the accused's witnesses all swore consentiently, the accused was acquitted. If they did not so do, the oath burst, and the accused was convicted. See Æthelred's Domas, c. 1.

^c Book of Ely *passim*.

^d Hlothære and Eadric's Laws, c. 10; Book of Ely, p. 137: "Tunc judicantes statuerunt, ut abbas suam terram cum palude et piscatione habere deberet; statuerunt etiam ut Begmundus et cognati præfate viduæ suum piscem de vi annis abbati solverent et regi forisfacturam darent; statuerunt quoque ut si sponte sua hoc reddere nollent, captione suæ pecuniæ constricti justificarentur." See an instance of the County Court Judges assessing damages in their judgment in the Book of Ely, p. 123.

^e Ine's Laws, c. 62. Ælfred's Laws, c. 22. The latter has reference to a criminal prosecution. See the use of the word "yppe" in Penitentiali Ecgberti, additam. c. 2.

^f Ine's Laws, c. 62.

On that day he appeared in discharge of his bail, or was brought up by the custodian of the gaol.

The Court being assembled, the prosecutor took a fore-oath of the following tenor:^a

"By the Lord I accuse not N either for hatred or for envy, or for unlawful lust of gain; nor know I anything soother; but as my informant to me said, and I myself in sooth believe, that he was the thief of my property."

The crime would of course vary.

This fore-oath was indispensable, and gave to the accusation (*tihtl*) its legal effect.^b

When the prosecutor had taken the oath, the accused was bound to clear himself "if he dared."^c

The trial from this period became the "lad" or clearing of the accused.^d

The order of his purgation was as follows:

He took an oath, in assertion of his own innocence, of this tenor:^e

"By the Lord I am guiltless both in deed and counsel of the accusation (*tihtl*) which N charges against me."

This was the preliminary of the "lad."^f

The fore-oath of the accused had therefore the effect of a pleader of Not Guilty, and upon this issue the evidence was gone into.

Without it, *i.e.* if the accused dared not take it, there could be and was no trial, for there was no innocence to assert, the accused being considered guilty, because he had rejected the means which the law allowed him of asserting his innocence.

I have said that the accused was bound by law to clear himself of the charge.

This neither in fact nor in theory amounted to the same thing as the throwing upon him the *onus* of proving his own innocence, for by the manner in which the evidence was collected and obtained the result of the trial was practically the same as if the *onus probandi* lay upon the prosecutor.

The marshalling and taking of the evidence was thus conducted:

There was only one set of witnesses in a criminal matter, and this was in general parlance called the "lad," as the clearing of the accused depended upon the result of its opinion.^g

^a See oaths in Laws.

^b Ordinance respecting the Dunsætas, c. 6.

^c Ælfred and Guthrum's Peace, c. 3, "gif he hine ladian dyrrre."

^d The Laws, *passim*.

^e See oath in Laws.

^f Inc, c. 54.

^g Inc, c. 54; Dunsætas, c. 6; Æthelred's Domas, c. 13.

These witnesses were not led or produced either by the prosecutor or the accused.

They were not voluntary. On the contrary, their attendance in Court was wholly compulsory, for they were *named*, i.e. nominated and subpoenaed, by the sheriff of the county,^a that officer being in these ages the vice-judge of the county.

They were summoned by that officer from the hundred where the *corpus delicti* lay, i. e. the venue or vicinity.^b

The witnesses so summoned were the equals or peers of the accused.^c

A larger number of witnesses was named than was afterwards actually sworn.^d

Where witnesses were thus forced upon the accused, it would be only fair that there should be some power in him of obtaining their rejection should they be provably uncreditable, hostile, or malignant.

This safeguard against injustice the Anglo-Saxons possessed.^e

The accused might choose his witnesses, to the extent of a defined number, out of the gross number summoned, and the choice of these witnesses was the rejection of the rest.

The selected witnesses were denominated the *cyreath*.^f

The witnesses were then sworn in the following formula, that is, if they could consent, all or in major part, to take it.^g

The oath was this :

"By the Lord the oath is clean and unperjured which N. (the accused) has sworn."

It would seem probable that a majority of the oath found the verdict, for as they were witnesses nothing more was required than a weight of evidence.

If the whole or the majority took this oath, the accused was acquitted.^h If

^a Æthelred's Domas, c. 13; Æthelstan's Laws, c. 9; Laws of the Northumbrian Priests, cc. 51, 52, 53.

^b Hlothære and Eadric, c. 5. This is a direct authority; but the general rule of law is also inferrible from the sub-rule that where the accused was *infamis* the oath was to be summoned out of several hundreds. Cnut's Laws, c. 22.

^c Ine's Laws, c. 30, "by his own were." But this is stated more explicitly in the Laws of the Northumbrian Priests, cc. 51, 52, 53; and Wihtræd, c. 21. Ælfred and Guthrum's Peace, c. 3.

^d See *post*.

^e "Odium vel aliquid competens." Hen. I. L.L. c. 31, § 8; Æthelstan, c. 10. (Perjury.)

^f Dunsetas c. 6. Cnut, c. 66. See also L.L. Hen. I. c. 31, s. 6, 7, 8. These sections refer to the jury.

^g See oaths in Laws; Thorpe, vol. i. p. 181. The position of this oath, as following those of the prosecutor and the accused, shows it to be that of the jury.

^h Æthelred's Domas, c. 13.

they declined taking the oath wholly or in part, the oath burst, and the accused was convicted—the lad failed.^a

The witnesses in a criminal prosecution did not give evidence, but were limited to the form of oath I have quoted.

The rationale of this is evident: the Court had taken measures to summon those who were best acquainted with the fact in question. And whatever opinion they solemnly found was accepted by the Court without criticism.

The result of the swearing, whether it showed the consensual opinion of all or of a majority, was held to carry conviction of the fact, and to bind the Court, with whom there rested no discretion except to believe it.^b

Upon the foundation of this finding of the witnesses, the judges made their decree and all such subsidiary orders as might be necessary.

In all this there is much to approve of. Though the Anglo-Saxons could leave the evidence of civil matters to the parties interested in the result, they saw and enforced a distinction between those suits and criminal matters. They made provision that the witnesses in the latter case should be compulsory, in order that no evidence should be lost, and that the witnesses should not be tampered with by either side; above all, that they should come from the venue, the place where the offence was committed, and where its proofs lay. And with this there was freedom left to the accused, which enabled him to weed away those who hated him or unduly favoured the prosecutor.

All this however is totally beyond the capacity of the mere Anglo-Saxon; I mean his capacity for original conception and invention.

The principles must therefore mount higher than the incoming of this nation; and it is in the history of our country that we shall find the solution.

The historical source to which I refer both the civil and the criminal procedure of the Anglo-Saxons is Roman, the law of this country before the Anglo-Saxons effected their settlements.^c

The procedure of a civil suit, *judicium privatum*, according to the Roman law as it existed in Western Europe may be stated thus:

^a Eadward, c. 3; Dunsætas, cc. 4 and 6. The latter authority regards the oath as being *torn*, but the metaphor is not very dissimilar.

^b Wihtræd, c. 21; Domas of Æthelred, c. 13. The first authority declares the verdict to be uncontrollable, the other that the "doom" of the jury shall stand.

^c This assertion is very much strengthened by the interesting fact that the jury, as the Anglo-Saxons understood it, is to be found in the early Welsh Laws.

There were issuable pleadings resembling in effect those which our own legal practice has made familiar to us

The evidence in support of the issues was entirely voluntary on the part of the witnesses both of the plaintiff and of the defendant.^a Until the reform of Justinian the subpoena did not exist in civil cases.^b

This was the great distinction between evidence as taken in a civil suit, and as taken in a criminal prosecution.

As regards the preliminary steps of the latter before the taking of the evidence the following is a summary.

Bail was accepted for the appearance of the accused.^c

The accuser made a formal and detailed accusation, which he either presented in writing at the bureau of the *Præses* or it was taken down *apud acta* at the same place by some official.^d

In other cases, as of public robbers, the *irenarchæ* arrested them and sent them to trial.

After this had been done, the accused, according to the nature of the charge or his own position in society, was sent to prison, committed to the safe keeping of a guard, was admitted to bail or was relieved from giving it.^e

The principles by which a criminal trial was regulated were these.

The accused was bound to prove his *intention*, as the effect of his charge was called.^f

So far he was like a plaintiff, but with the fear of a *talio* in addition.^g

But by the same law also the accused was bound to purge himself; "*purgare se debet*," says Ulpian.^h

The first of these principles is of course plain and plausible enough, but the other as a rule of law, in respect of its seeming injustice, requires some explana-

^a Cod. 4, tit. 20; de Testibus, s. 16; Novell de Test. 90. c. 8.

^b Accordingly great facilities were afforded for giving evidence in civil matters. The judge who tried the cause might take the evidence orally or he might read at the trial evidence taken elsewhere, the latter consisting of depositions or voluntary affidavits made before any *magistratus* within whose provinces or territories the witnesses might be. Cod. 4, 20, pp. 2, 15, and 20; *ibid.* tit. 21, p. 18. See the expressions used in Dig. 22, tit. 5, p. 3, § 4, and p. 22. See also Quintilian, *Instit. Orat.* 5, 7.

^c See Calvin's *Lex. Jurid.* and Festus *sub voce Vadem*.

^d Paulus in Dig. 48, tit. 2, cc. 3 and 6; *ibid.* tit. 5, c. 11, p. 6; Cod. 9, tit. 2, c. 8.

^e Dig. 48, tit. 3, c. 1; and the following *capita*.

^f Dig. 48, tit. 18, c. 18, p. 2.

^g Symmachi *Epist. lib.* 10, ep. ult.

^h See the expression repeated, Dig. 48, tit. 1. c. 5; *ibid.* tit. 4, c. 11; *ibid.* tit. 17, c. 1, p. 3, c. 5. So Apuleius, de *Mundo*, c. 35, "*Reus purgandi se necessitate, insectandi studio accusator venit*."

tion. Its injustice, however, had more of seeming than of reality. And it would appear after all to have been only a *façon de parler*, for other authorities show that its real and operative meaning was no more or less than this,—the *reus* should leave it to the proofs of the case to show his innocence.^a

This being so, there must have been something in the mode of inquiry to make it possible, and so there was.

A Roman criminal trial was a public inquest conducted by the magistrate who presided over the country where the crime was committed.^b

The law called it emphatically an investigation of the truth.^c

This great local judge ordered all such witnesses to appear as the accuser vouched (*laudavit*), and as he himself thought necessary.^d In other words, they were subpœnaed.

And as these were days of limited locomotion, all the necessary witnesses would be within the summoning power of the judge.

Every person who could be alleged to be *cognitor vel præsens* was subpœnaed.^e

The evocation of the witnesses by the Court rendered them only one set. This is contrasted with the production of witnesses on each side in a civil suit.^f

Witnesses in criminal cases were always confronted with the judge.^g

Witnesses being gathered together by these means, it would frequently happen that they knew nothing of the matter upon which they had been summoned.

The Roman law provided for this. The witness being sworn to give his testimony of what he knew, might swear that he knew nothing.^h

^a That the Roman system rendered the truth attainable we are assured by a Roman subject and citizen. Apuleius (*De Magia*) says, "Quippe insimulari quivis innocens potest, revinci nisi nocens non potest."

^b *Passim* in the Laws: St. Cyprian, *Epist.* 54: "Cum statutum sit ab omnibus nobis . . . ut unius cujusque causa illic audiatur, ubi est crimen admissum."

^c *Cod.* 9, tit. 41, c. 8.

^d *Cod. Theod.* 11, tit. 39, c. 13; and Godefroye's learned and interesting note; *Cod.* 4, c. 20, pp. 11, 16; *Novell.* 90, p. 8; *Symmach, ante*. For an exception to the rule see *Pliny's Letters*, lib. 5, ep. 20; see also *Domat* (*Strahan's translation*), vol. i. p. 451. Dr. Smith is thus wrong in stating generally that there was no subpœna before Justinian (*Classical Dictionary*, p. 529).

^e See the expressions used by the Council of Carthage quoted by Godefroye in his note to *Cod. Theod.* 11, tit. 39, c. 8, "in judicium ad testimonium devocari eum quia cognitor vel præsens fuerit."

^f *Cod.* 4, tit. 20, p. 11. That the evidence taken at a criminal trial was considered one context only—the result of the judicial inquiry—appears by the expressions of Constantine (*Cod. Theod.* 11, tit. 36, c. 1): "Quod si reus . . . partem, pro defensione sui ex testibus questioneque propositâ, possit arripere parte vero obrui, accusarique videatur," &c.

^g *Dig.* 48, tit. 18, c. 1, p. 21; *Cod.* 4, tit. 20, p. 14, "ad judicantis intrare secretum."

^h Justinian's recital in *Cod.* 4, tit. 20, p. 16.

The Roman law affected a number of witnesses.^a

One witness, whatever his position, was not allowed even to be heard.^b

The number varied with the cause.

Sometimes there should be three, sometimes five.^c

But whatever the required number might be it was essential to the case set up, and without it the case failed.

The accused was allowed the privilege of obtaining the rejection of a witness by showing a just exception against him, *e. g.* that he was *publico judicio damnatus*, bribed, infamous in character, or the like.^d

If such an exception was proved, the witness was not called.

The law required that the conviction should be upon the agreement of the witnesses. Constantine says, "Omnium qui tormentis vel interrogationibus fuerunt dediti, in unum conspirantem concordantemque rei fine convictus sit: et sic in objecto flagitio deprehensus, ut vix jam ipse, ea quæ commiserit negare sufficiat."^e

The proof adduced before the judge instructed his conscience. "Si nulla probatio religionem cognoscentis instruat," says a legal authority.^f

Still he was free to use his judgment conscientiously: "Verumtamen quod legibus omissum est, non omittetur religione judicantium, ad quorum officium pertinet, ejus quoque testimonii fidem, quod integræ frontis homo dixerit perpendere," says another great authority.^g

In both the procedures, the civil and the public, there were preliminary oaths taken by each side, the plaintiff and defendant, the prosecutor and accused.

In the civil suit it would seem to have been optional for the plaintiff to put the defendant to his oath. But if he did so, he in turn was compelled to take the oath of calumny.

In the criminal proceeding the prosecutor was obliged by law to take the oath in all cases.^h

I think that the foregoing evidences will identify the Anglo-Saxon procedure,

^a Dig. 22, tit. 5, p. 1, § 2; *ibid.* p. 12, p. 3, § 2.

^b Cod. 4, tit. 20, p. 9.

^c Cod. 4, c. 20, p. 15.

^d Dig. 22, tit. 5, p. 3, § 5.

^e Cod. Theod. 9, tit. 40, c. 1.

^f Dig. 48, tit. 18, c. 1, pp. 17.

^g Dig. 22, tit. 5, c. 13.

^h Domat, vol. i. p. 452 (Strahan's translation), and Dr. Smith's Dictionary. See also Dig. 12, tit. 2, p. 34.

civil and criminal, with the Roman, and in so doing will show that the Anglo-Saxon criminal oath was a transmission of Roman law.

If this be so, it only remains to show that the Anglo-Saxon oath, which was the same as the Anglo-Norman,^a contained the germ of the later English jury.

The points of identity are these :

The Anglo-Saxon oath is the venue, that is, the persons who are to give it come from the vicinity of the crime and the criminal, and for that reason should know the whole truth of the matter. This would be particularly the case in ages when locomotion was always difficult and sometimes prohibited.

They are the peers of the accused.

They are compulsorily summoned by the sheriff.

They swear to a result.

This result determines the fact at issue, binds the Court, and must be accepted by them.

These substantial resemblances being coexistent in each, there only remained for the Anglo-Saxon oath one point of development, and the jury, as we understand it, would rise into legal existence. The oath should lose its obligation of giving testimony, exchanging it for the privilege of expressing its collective view upon the fact at issue.

This could not be accomplished until witnesses were produced and examined before the persons who composed the oath. When that was done the English jury was created. Still establishers of fact as before, they thenceforth exercised their function judicially, not as privileged witnesses having a prerogative of testimony.

When this change occurred is not precisely known.

We only know clearly to whom that change is due.

The acute Norman, with the finest legal mind since the days of the Empire, had seen some, though possibly not all, of the advantages concealed under the "lad," and from a purgation converted it into a trial.

To him we are indebted as well for the word as for the development of the proceeding.

^a See *Liber Albus* (Riley's edition), pp. 56, 57, 58.

XII.—*On Four Letters from Lord Bacon to Christian IV. King of Denmark, together with Observations on the part taken by him in the Grants of Monopolies made by James I.* By SAMUEL RAWSON GARDINER, Esq.

Read February 7, 1867.

THE copies of the four Letters from Lord Bacon to Christian IV. of Denmark, which I have the honour to lay before the Society of Antiquaries, were furnished to Sir Charles Murray, the British Minister at Copenhagen, by M. Wegener, the chief of the Royal Danish Archives, in consequence of an application made to the Foreign Office on my behalf. I can hardly be wrong in bespeaking the thanks of this Society, and of all who honour the memory of Bacon, for those whose ready attention to the request thus made to them has placed us in possession of these papers; and I may be allowed to mention that, although my application, being based upon a copy of an originally imperfect catalogue, only referred to a single letter, M. Wegener did not content himself with a mere literal fulfilment of the request made to him, but at once sent copies of every letter of Bacon's preserved in the Archives.

The letters themselves do not contain anything that is positively new; it could hardly be expected that they should, addressed as they were to a foreign sovereign. Yet there is in them enough to be worthy of the attention of any one who feels a special interest in Bacon's biography.

The first letter was written at what may be termed the culminating point of James's reign. At his recent recovery from severe illness all London had poured out to Paul's Cross to return thanks for his restoration to health. Abroad, his policy was apparently triumphant. In the winter the preparations in the Spanish dockyards for fitting out the fleet, of which the rumoured strength terrified all Protestant Europe, had been stopped, or had been supposed to have been stopped, by his menaces. His mediation in the Bohemian war had been sought for by the King of Spain; Doncaster had left England on that conciliatory mission which was to satisfy all parties, and to find a common term of agreement

* They are printed in the Appendix to this communication.

between Ferdinand and the Directors. Three months were yet to pass before James learned how completely he had been duped.

Written under these circumstances Bacon's letter breathes a spirit of contentment which stands in strange contrast with the scenes of failure and disgrace which were to follow. Behind him is the mourning for the Queen's death, his own ill-health, and the King's. Before him is the constant labour, "the duties of life which are more to me than life itself," the King's recovered strength, the bright promise of the Prince's early manhood, and of the increasing family of the Electress Palatine. Above all, his mind rests with satisfaction on one point, on the financial and administrative reforms of the past year.

These reforms do not deserve the oblivion into which they have fallen. They go far to explain what has seemed to be so great an enigma, the devotion which Bacon always professed towards Buckingham. The scandalous side of the history of this year has been well preserved. There is no difficulty in learning as much as we please about the impudence of Lady Roos, or the avarice of Lady Suffolk. All who care to know anything about these times know that in the spring of 1618 one Howard was Lord High Treasurer, that another Howard was Lord High Admiral, that the son-in-law of a Howard was Master of the Wards, that one dependant of the Howards was Secretary of State, and that another dependant of the Howards was Attorney-General. They also know that within a twelvemonth every one of these, with the exception of the last, was driven from office, and that some of them had been brought, upon criminal charges, before the Star Chamber. But few, excepting those who have made a special study of this period, are aware that this was anything more than a personal victory of the splendid favourite. Yet it is certain that Buckingham, profuse as he was in his own habits, claimed, and justly claimed, the distinction of being the champion of economy in the State. At Michaelmas 1617, when Suffolk was still Lord Treasurer, it was thought much that there was likely to be almost a balance between the ordinary revenue and the ordinary expenditure.* At Michaelmas 1618 the new Commissioners of the Treasury were able to look forward to what was, for those days, the magnificent surplus of £45,000 to meet unforeseen expenses. Nor was the difference caused by the imposition of fresh taxation. It was brought about by sheer reduction of expenditure. The expenses of the household, which two years before had been in round numbers £80,000, were now brought down to £52,000. The extravagant Hay had been bought out of the Wardrobe, and the £20,000

* Lansdowne MSS. 165, fol. 267. State Papers, Dom. ex. 35.

which the change cost the King became an admirable investment through the savings effected by his successor Sir Lionel Cranfield, the most diligent and parsimonious of administrators. But the most striking change was effected in the navy. Nottingham, the Lord High Admiral, had lived too long upon the glories of the victory over the Armada. For the duties of his post he was, now at least, altogether incompetent; yet as long as the Howards were in power it was impossible to shake him. He had found little difficulty in setting aside the report of the Commission which had examined into the state of the navy in 1608, and he had been equally successful in preventing altogether the appointment of a fresh Commission in 1613. But the time was now come when no Howard, however faultless, could hope to retain power. It was impossible for him to resist inquiry any longer. The English navy, under his administration, had become a laughingstock to foreign nations; it was not that money had been spared; yet, though the expenses of the fleet were yearly increasing, its efficiency was not maintained.

A commission of inquiry was at last appointed. After a lengthy investigation its report was given in. Of the forty-three vessels of which the navy was nominally composed, nearly one-half were unfit for use, and were with difficulty kept from sinking by incessant repairs. The whole administration of the Admiralty was utterly disorganised. It sometimes happened that extensive repairs were taken in hand, and that it was only after large bodies of labourers had been engaged that it was discovered that the necessary materials had not been provided, or that the officials were left without money to carry on the works. Unsound timber had been paid for as if it had been in the best condition. Far higher prices had been given for stores than any private purchaser would have cared to pay. Incorrect entries in the books were of frequent occurrence. Ships were sometimes ordered round to Deptford for repair, and it was only after the expenses of moving them had been incurred that it was discovered that they were so rotten that it was not worth while to patch them up. The root of the evil lay in the appointment of officers at high salaries who did little or nothing, whilst the inferior officers who did the work were left either to plunder the Crown or to starve. In fact, this part of the report only expressed in sober and official language what was perfectly well known to every one who lived near the dockyards. Long afterwards Bishop Goodman used to tell how a friend, with whom he was walking at Chatham, drew his attention to the stately mansions which had sprung up, like mushrooms, round the yard. "All these goodly houses," he said, "are

built of chips." The explanation of the riddle was that chips were regarded as the perquisites of the officials.^a

To their report the Commissioners appended a calculation that for some years the expense of the navy had been no less than £53,000 a-year. They added that they were ready to meet all the ordinary expenses, and, in addition to build ten new ships within the next five years, for less than £30,000 a-year. The navy would then consist of thirty large vessels, besides a few small craft. It is true that the number of vessels left by Elizabeth had been forty-two; but the fleet of 1603 had measured only 14,000 tons, whilst 17,000 would be the tonnage of the fleet promised by the Commissioners.^b

By itself such a report, coming as it did from men who were entirely under Buckingham's influence, would not be worth much. But we have the best of evidence that there was something more in it than mere words. Nottingham was induced to resign—for a consideration. Buckingham was always delighted to see other people slaving as hard as they could, provided that he got the credit of their labours. So, as soon as he was appointed Lord High Admiral, the commission of inquiry was converted into a permanent commission of management.^c Its members kept their promises. The money was actually saved. The ships were actually built. Whether it was worth while to fit out a fleet for the expeditions to Algiers, to Cadiz, and to Rhè, is a question with which we need not concern ourselves here. But, when we are inclined to criticise too harshly Bacon's language towards Buckingham, these things should not be forgotten.

It is from these reforms that Buckingham's strongest hold on power dates. It was then that his unprincipled mother was raised to the peerage. It was then that the King conferred upon him the estate at Wanstead, which was afterwards counted too little for his magnificence. All who whispered the slightest word against the almost royal power which was placed in his hands only wasted their breath. It had been expected that when he became Lord High Admiral, he would resign the Mastership of the Horse, and some of those who had hoped to step into the vacancy thus created hinted pretty intelligibly to the King what their opinion was. James contented himself with composing in reply some Latin verses, in which he urged that as, in the classical mythology, Neptune who pre-

^a Goodman's Court of King James, i. 53.

^b Report of the Commissioners, &c. State Papers, Dom. c. 2. ci. 2, 3.

^c Original Commission, June 23, 1618. Patent Rolls, 16 Jac. I. part 1. New Commission, February 12, 1619. Patent Rolls, 16 Jac. I. part 3.

sided over the sea was also the patron of horses, it was unreasonable to object to the continued supervision of the new admiral over the royal stables.^a

Before the first of the three remaining letters was written by Bacon, the Palatinate was threatened. Before the last was written, it had been actually invaded. So little is on record of Bacon's feelings with respect to the great question of foreign policy of the day that every line is of value. And, if I am not mistaken, short and formal as these letters are, they contain, in the thought twice repeated in different language, the keynote to all that Bacon would have had to say upon the matter. On the 28th of March 1620 he expresses his hope that God will direct everything "in ejus gloriam et religionis stabilimentum, et per quem effusioni sanguinis Christiani maximè parcatur, atque ut tales in eâ sint partes Regis nostri et Majestatis vestræ quæ honores vestros, et salutem, necnon amplitudinem regnorum vestrorum maximè cumulare et illustrare possint." On the 19th of November he praises Christian because "cum . . . bellicâ virtute floreat, pacis tamen cultorem se profitetur; rursus sub ipsâ pacis mentione, veræ religionis patrocinium anteponit." It is as if he would have said: "Let our first object be the safeguard of religion; our second object peace; then, if this be impossible, let us look for military glory." It is impossible not to think of the passage in the "Novum Organum," in which an analogous, though not precisely similar idea is expressed:—

"It will perhaps be as well," he there writes, "to distinguish three species and degrees of ambition. First, that of men who are anxious to enlarge their own power in their country, which is a vulgar and degenerate kind; next, that of men who strive to enlarge the power and empire of their country over mankind, which is more dignified but not less covetous; but, if one were to endeavour to renew and enlarge the power and empire of mankind over the universe, such ambition (if it may be so termed) is both more sound and more noble than the other two."^b

^a Buckinghamus, io ! maris est præfectus, et idem
Qui dominatur equis nunc dominatur aquis;
Atque inter superos liquidas qui temperat undas
Neptunus, celeres et moderatur equos.
Ne jam displiceat cuiquam geminata potestas
Exemplum superis cum placuisse vident.

Salvetti's News-letter, November 3^o, 1618.

The British Museum is to be congratulated on the acquisition of these valuable News-letters, which reach from 1616 to 1636.

^b Novum Organum, i. Aph. 129.

In Bacon's mind, then, the highest ambition for the individual was the hope of enlarging man's empire over nature; for the statesman, it lay in the fulfilment of duty in using the forces entrusted to him in defence of religion, whenever an unfortunate necessity should call upon him to exert his powers. For a nation as for an individual, he held that "*officia vitæ sunt vitâ ipsâ longè potiora.*"

Of the two depositions against Bacon^a I have little to say. They are unimportant in themselves, and are, unhappily, the only fragments left of a series which would be of inestimable value to any student of Bacon's political conduct. The case of Hody is one in which the present was given after the decree; and the deposition in which his gift is spoken of is only valuable so far as it raises suspicions of the veracity of Sir Thomas Perient, a man whose single testimony was accepted by the House of Commons in 1624 as conclusive against the Registrar Churchill.^b The other deposition proves nothing against Bacon, but it throws a gleam of light upon his followers. Sir John Kennedy's petition^c gives us a glimpse into the state of mind in which he presented the notorious cabinet, and it also shows the prevalence of a belief in the accessibility of the Chancellor's servants to corruption.

And here I might close my remarks, if it were not that I have lately met with some documents which bear indirectly upon Bacon's character.

From some cause or other those writers who have taken up Bacon's defence have said as little as possible about his share in the patents and monopolies which led to the outcry with which Mompesson and Michell were assailed in the third Parliament of James I. Yet a little consideration will show that it is here that the knot of the question is to be found. Let us turn over as much as we please the existing evidence relating to the gratuities which he received as a judge, we shall hardly get further than a confirmation of Bacon's own sentence upon himself. "I . . . confess," he said, "that I am guilty of corruption." He had done that which a judge ought not to do. He had done that which justified the sentence of the House of Lords. If history is to modify in any way that sentence, it will not be by disputing the facts upon which it was based, or the inferences which were drawn from them; but by dealing with the question in the spirit in which, in Bacon's time, the court of equity dealt with the judgments of a court of common law, namely, by opening up new ground which has not been touched before.

^a See Appendix, where they are printed.

^b Nicholas's Notes of Proceedings in 1624. March 17. State Papers, Dom. clxvi.

^c See Appendix, where this petition is printed.

It will have to show, not that Bacon did not do corrupt things, but that he did corrupt things without being himself corrupt. It will proceed, in short, upon an appeal to character.

Into this question it is not my intention to enter at present. But I would ask whether any such appeal to character can be listened to for an instant, if the popularly-received account of his connection with the patents and monopolies is allowed to stand?

With that strong common sense which never deserted him, Lord Macaulay pointed out long ago that it is puerile to acquit Bacon of whatever guilt attaches itself to the monopolies. Many of them passed the Great Seal when it was in his hands. Some of them were backed by his recommendation; and the most unpopular of them received his thoroughgoing support at a time when others were hanging back through fear of popular clamour. If he really thought as badly of them as the House of Commons thought of them, Pope's notorious line is true to the letter. He can only be regarded as, in very fact, the "meanest of mankind."

What the popular idea of this period of history is may be fairly looked for in Lord Macaulay's Essay: James, he tells us, "resorted without scruple to the most illegal and oppressive devices for the purpose of enabling Buckingham and Buckingham's relations to outshine the ancient aristocracy of the realm. Benevolences were exacted. Patents of monopoly were multiplied. All the resources which could have been employed to replenish a beggared exchequer at the close of a ruinous war were put in motion during this season of ignominious peace." This is, in all probability, precisely what nine-tenths of those who read history believe. Yet in the whole passage there is not a single word of truth. The benevolence of 1614 may, in some sort, be said to have been exacted. But it was collected and spent before Buckingham rose to power. In the winter of 1620 a benevolence^a was asked for from the nobility, the high officials and the City of London. But many who were asked refused to pay, and no ill consequences followed. Whatever its character may have been, it did not replenish the exchequer. It was paid over to Sir Albert Morton, and was carried by him to the Palatinate. All that Buckingham had to do with the matter was, that he paid down £1,000 towards it.

^a It is just possible that Lord Macaulay may have been thinking of the contribution of the summer of 1620. But this was a private collection paid to Dohna which the Crown permitted without taking any share in its levy.

It is equally untrue that the exchequer was greatly enriched by the patents. In the estimates for the year 1618-19, the profits of the whole number are set down at the modest sum of £1,883, out of which £1,000 accrued from the glass patent, which was specially exempted from abolition by the Monopoly Act of 1624.^a It cannot be proved that a single penny from these sources went into Buckingham's pocket, nor do there seem to have been any rumours at the time charging him with making any personal profit in this way.

The only point in the charge which has any foundation whatever in fact is that which relates to Buckingham's relations. Buckingham's half-brother, Sir Edward Villiers, undoubtedly received a guarantee of a pension out of the monopoly of gold and silver thread. But this pension was nothing more than a fair dividend upon the money which he had actually invested. Whether he was paid or not we do not know. But we do know that, though a pension of £800 a year was secured upon the same monopoly to Christopher Villiers, the whole affair turned out so badly that in reality he received no more than £150 during the whole existence of the monopoly.^b An uncertain sum was also reserved to Christopher Villiers out of the patent for alehouses. Lord Purbeck, the remaining brother, received nothing.

To say the least of it, it seems unlikely that even a man of Buckingham's giddy and arrogant character should have pushed on scheme after scheme, against the real opinion of wise counsellors, for the sake of getting so little.

If we wish to know what the views of the Government really were we must look to their official declarations. No doubt there is much that is not to be learned there. We shall not meet with anything to tell us what were the personal motives of influential persons. But if we find a large number of such declarations proceeding during a long course of years from a considerable number of officials differing in character, in position, and in political opinion, we at all events are able to examine whether they contain indications of a settled policy, or whether they are merely makeshifts put forth from time to time in contradiction to one another. When this has been done we can proceed to inquire whether, if such an agreement in principle be discovered, it is one which was likely to have been honestly adopted by honest men.

It would, unfortunately, be impossible to give here even a general idea of the nature of the forty or fifty grants recalled in 1621. I can only state that my impression, after an examination of them as they stand upon the patent rolls, is

^a Estimate of Revenue, 1618-19. State Papers, Dom. ex. 35.

^b Dike's Examination. Proceedings and Debates in 1620-21, i. 127.

that, though they are full of faults according to the ideas of the present day, and not without grave errors leading to abuses which speedily recoiled upon their authors, these grants are, taken as a whole, an expression of a definite commercial policy, bearing frequently the impress of Bacon's mind, and by no means the mere makeshift contrivances for extracting money from the purses of the subjects which it has now for two centuries and a half been the fashion to represent them.

It will be sufficient for our purpose to subject to examination two of the most notorious of the patents—the patent for inns, and the patent for gold and silver thread. They may be taken as fair representatives of the two classes of these grants; the one encroaching upon the jurisdiction of the justices of the peace, the other conferring a commercial monopoly.

The patent for inns was, as is well known, the result of a project of the notorious Sir Giles Mompesson. In 1621 Sir Giles declared that the scheme, being first brought forward when Bacon was Attorney-General, was referred to him for his opinion, “who returned it to the King that he desired not to doe it single, and that thereupon his Ma^{ty} referred it for matter in lawe to the said Attorney, the Lord Chief Baron,^a Justice Crooke, Justice Nicholls, and, he dying,^b to Justice Wynch in his roome; and the said Sir Gyles confessed that the said nowe Lord Chancellour, with the Judges aforesaid, made certificate thereof to the King, which he said was by word onely, and not in wryting. And confessed that for pointe of conveniencie his Ma^{ty} refered it to the Earle of Suffolk, then Lord Treasurer of England, the now Lord Treasurer, Mr. Secretary Winwood, Sir Thomas Lake, and Mr. Sergeant Finch;^c and, if they thought it fitt, then to have a booke drawne upp, which was thereupon donne accordinglie.”^d

The ostensible reasons by which the referees were convinced may be learned from the preamble of the patent itself:—

“Forasmuch,” it runs, “as great disorders groweth by the abuse of innes in this our realme, and where we are informed that sithence the fifte yeare of the raigne of our predecessor Edward the Sixte, late Kinge of England, dyvers and sondry persons have taken upon them of their owne heade and without anie lawful authority to keepe innes, or houses in the nature of innes, which weare

^a Tanfield.

^b Compare Bacon to Buckingham, October 18, 1616. Works, ed. Montagu, xii. 486.

^c Sir Henry Finch.

^d Charge of the Commons against Mompesson, March 8, 1621. House of Lords MSS.

not innes before that tyme; whereby they have incurred the daunger of lawe, and are by the due course of the lawes of this our realme to be suppressed and putt downe from keeping of a common hostery or inne, and yett, nevertheles, mannie of the said persons are meete and convenient to keepe innes and dwell in howses and places fitt for itt; of whom many, knowing the daunger, have made suite for our grace and licence, and the reste itt is like will be desirous of the like grace and safetie; and because the authority of Justices of the Peace extendeth not to the licencing of innes and common hosteries, and that the Justices of Assize by reason of their other manyfolde ymployments and the shorte time whereunto they are confyned in their circuitts cannot have leizure to take sufficient information whoe may be fitt persons for such licences to be granted to them; Wee, therefore, &c."^a

The patent goes on to say that the King grants to Sir Gyles Mompesson, Gyles Bridges, and James Thurburne, authority to take a survey of all the inns in the kingdom, and to inform themselves of the due keeping of the assizes of bread and horsemeat, and to treat with such as desired to keep inns, being men of substance and honest life, and thereupon to draw up a licence with a yearly rent reserved to the Crown. This licence was to be under the hand of Mompesson, and at least one other commissioner, and under the seal of the office. It was to be presented to the Justices of Assize, or, if it referred to a place to which they did not come, to the Chief Justice. Unless the Justices pointed out that the proposed innkeeper was a person of ill-fame, they were bound to sign the licence; and for additional security the innkeeper might have, if he wished it, his licence confirmed under the great seal. The justices were to have five shillings for each signature. The rents were to go to the King, excepting that each commissioner was to have £100 a year for his trouble, with an additional £100 to Mompesson as receiver of the rents and fines.

This patent, as is well known, was one of those which Ellesmere in his last illness refused to pass; and it has been supposed that his objections were based upon legal and constitutional grounds. Yet it cannot be said that this conclusion is warranted by any evidence which has reached us.

The story, as told by Chamberlain,^b is as follows:—"The Lord Euers, late President of Wales, hath agreed with the Lord Gerrard for that place, and, though the Lord Chancellor made greate meanes to settle his sonne Sir John

^a Commission to Mompesson and others, March 3, 1617. Patent Rolls, 14 Jac. I. part 22.

^b Chamberlain to Carleton, March 8, 1617. State Papers, Dom. xc. 105.

Egerton there, yet by the favor of the principall verbe in covt, the Lord Gerrard hath carried yt, which with some other accidents (they say) hath driven the old Lord into such a melancolie, that he is wearie of the world, and hath made many means to the King to be discharged of the great seale; and so between sicke and sullen hath kept his chamber ever since the end of the terme; withall (some say) he had vowed never to set the seale to two patents that were sent him, the one for the sale of woodes, the other for some ymposition upon ynnnes. So the King seeing all things of that nature to stand still by reason of his sicknes, went to visit him on Wensday, and in his presence causd that patent of woode to be sealed, and on Thursday sent for the great seale by the Earle of Buckingham and Secretarie Winwood, and presently sealed the other patent to one Monparson, a kinsman or allie of the Earle of Buckinghams. And yesterday morning, after he had ben abroad at Maribone parke, and before his going to Tiballs, delivered the great seale to Sir Fra. Bacon, and made him Lord Keeper."

In a letter written a few days later, it is said that the Chancellor, "when the King would not receave" his petitions to surrender his place, "began to refuse all things that were sent him from the King to seale."^a

It is plain that, even if we accept Chamberlain's hearsay evidence that Ellesmere specially objected to seal these two patents, we are yet a long way from the inference that he entertained any settled constitutional objections to them. It is difficult to see how he could have objected on such grounds to the patent for the sale of woods. On the other hand, nothing is more natural than that, worn out and weary as he was, he should have felt it necessary to make a stand somewhere, and to say that he would no longer put the seal to these patents, the nature of which he was totally unable to take into consideration.

The remainder of the history of this patent may best be told in the language of the House of Commons:—^b

"Sir Gyles Mompesson, not content with the former fees rayzed out of the purse of the subject, within sixteene dayes after obteyned another patent from his Ma^{tie}, bearing date the nyneteenth day of March, 14 Ja.:^c wherein after recitall of some parte of the former letters pattents, the king's Ma^{tie}, in regard of the attendance of Sir Gyles in setling the buisines and for other consideracions, grants a fift parte of the proffetts to Sir Gyles Mompesson and to Thomas Mompesson for their lives and longer liver; and the said Sir Gyles, finding that he had noe ground by the former

^a Gerrard to Carleton, March 20, 1617. State Papers, Dom. xc. 135.

^b Charge against Mompesson, House of Lords MSS.

^c Grant to Thomas Mompesson (Sir Gyles's brother) and Gyles Mompesson, March 19, 1617. Patent Rolls, 14 Jac. I. part 7.

letters patents to drawe that proffett he expected out of the ould innes, therfore of purpose to worke his advantage of them also obteyned a Third patent,^a bearing date the fowrth day of November in the sixteenth yeare of his highnes Raigne of England, wherein is recited that the lawes made in the tyme of King Richard the second and King Henry the fowrth, though they remayned in force, yett considering the tymes when they were emanated, and the alteration of prices and difference of money sithence happened, have outworne the originall equitie and proportion that they cannot be observed without the extreeme prejudice and almost undoeing of ostlers, and yet are subject to popular informacions, and thereby power is granted of assessing the reasonable rates for horsemeate to be observed by such inholders as shalbe lycenced by the said commissioners to keepe innes and to none other, as by the said lettres patents, relacion thereto had, more at large appeares.

And the next moneth after the said Sir Gyles Moumpesson procured a warrant under the privy seale bearing date the nyneth of December, 16 Ja.^b to have allowance, &c. uppon his accompt of all such money as he had layd out or should laye out or disburse, in suite of lawe or otherwise, for or about the due execution of the commission, or erection of the office, or passing the accompt.

And the said Commons saide and shewed that by occasion of the said severall letters patents and warrants of Privy Seale our said Sovereigne Lord the King hath been deceived and abused, his loving subjects unduly vexed, disquieted, and empoverished, and his Ma^{ty} justice blemished and discouraged.

For whereas it appeareth by the said letters patents 3^o Martii, 14 Ja., that his Ma^{ty} had been informed that sithence the fifth yeare of the Raigne of the late King Edward the Sixth diverse persons had taken uppon them of their owne heads and without any lawfull authoritie to keepe innes and howses in the nature of innes which were not innes before that tyme, and that thereby they had incurred the daunger of lawe, and were by the due course of his Ma^{ty} lawes of this Realme to be suppressed and putt downe from keeping of a Common hosterie or inne, which was a motive that induced his Ma^{ty} to make the said letters patents.

The said Commons said that keeping of an inne or hostery is a trade or misterie and free by the comon Lawe, and it is not a franchise, nor hath been so reputed to be. Nor cann the said Commons finde or be informed that in Eyer any such franchise hath been claymed, or any impeached by any writt for keeping of an inne, or that any license by any letters patents or charter, or other matters of Record, hath been granted in former tymes to keepe an inne or hostery, which would appeare if any had been necessary to be granted; for that it is notorious and manifest that sundrie innes, and in some place almost whole townes, have been erected sithence the tyme that the charters and letters patents of his Ma^{ty} progenitors have been used to be inrolled, and are safely kept to our tymes, and that informacion was a noveltie and an attempt to introduce a newe lawe without common assent of the Peeres and Commons; and the like noveltie by example of this might be introduced to extend to carriers, milners, shippers, smythes, and other trades and misteries, which are free and noe statute lawe of restraunte, but onely that in some cases

^a Special Commission to Chief Justices Montague and others, November 4, 1618. Patent Rolls, 16 Jac. I. part 16.

^b December 9, 1618.

none should exercise them but that had been an apprentice seaven years. And the letters patents made the fowrth day of November in the said sixteenth yeare of his Ma^{ty} raigne are alsoe against the lawe, for that they conteyne a power to Sir Gyles Moumpesson to dispence with penall lawes, and yet none are dispenced with but those to whome he shall give licence to keepe innes, which is but a meanes to encrease the number of those that are to keepe innes for his owne private advantage.

The inconveniences by both these patents comming to his Ma^{ty} people are diverse. By the former it ministreth an occasion of much vexacion to the people by suites in lawe, especially seeing that one of the patentees, that is Sir Gyles Moumpesson, is invited unto it by the letters patents, dated the nyneteenth day of March, in the said fowrteenth yeare, by being rewarded with a fifth parte, which must occasion him to attempt suites against all, whether newe or ould, without respect, thereby to enforce them to yeald fynes or some meane composicion, which they were better yeald then stand out a suite. It is an occasion of an encrease of unfitt innes and disorder in innes, rather then a reformation, for that such patentees, seeking after their proffett, will extend their power to lycence all those that will give fynes, of what condicion soever; and if keeping of innes should be a franchise, as it is not, the power of granting such lycense had been a regalitie which it is not convenient to be communicated to common persons. And by the former patent the justices of assize are commaunded to signe such licenses as Sir Gyles Moumpesson shall make of keeping innes, which is a blemishment of their estimacion; And it is inconvenient that any should have power to dispence in any sorte with any penall lawe, for when the same was made by common assent, it was well known that the Kinge might from tyme to tyme dispence with them, but the Parliament intended not to trust any subject with such liberty to dispence.

And it cannott be intended that Sir Gyles Moumpesson could mannage this great busines of soe large extent as all the innes in England and Wales, and become a generall inquisitor and surveyor of them as he sought to make himself.

Alsoe this patent counfoundes the inferior government of the justice of peace, who may for some offences disable alekeepers for three yeares, that extends not to innekeepers; and by this patent he may sett upp the same men to be innekeepers over whome the justices of peace by the statute have noe cohertion by disabling.

And it appeareth by the said Letters Patents dated in the sixteenth yeare that it is inconvenient for the people that keepe innes to be prest to observance of the statute concerning horsemeate, for the reasons in that patent expressed. And soe is it, for by the statute of 13 R. 2, and 4 H. 4, the ostler may not sell or utter oates at more then one halfe penny uppon the bushell above the price at which he buyeth it in the markett; And observing it noe man cann keepe an inne; for although a half penny was then a reasonable gaine (for it was then more than was the hyre of one mans labor by the daye, as appeareth by the statute of 12 R. 2), it is not nowe the twelveth parte of one mans wages. And if those statuts be inconvenient to be kept, it is inconvenient that the people should be forced to redeeme that inconvenience for money. If they were fitt to be kept, it is not convenient that any should be dispenced withal for money; for the lawes were not made to the intent that thereby others should be made more rich by offences.

And by this patent a general inconvenience is drawne unto all sorts of innekeepers; and it can be noe other but an invention to inforce all innkeepers, new and ould licensed, if any had byn, and not licensed to yeald fine for licenses and rents; for that those that trusting to the lawfulness

of their titles to keepe innes would otherwise refuse to take lycenses are now enforced unto it, or not to partake of the grace of being free of that statute.

The said Sir Gyles Mompesson, after the procurement of theis patents, bestirrs himself and omitts not to execute any ill that the patents did minister any occasion to him to doe, but doeth all those and worsar things. For from Trinity Terme 15^o Ja. to the end of Michmas Terme 17 Ja. he putts into processe as persons that kept innes without sufficient warrant ^a

| | |
|--|-------------|
| In number - - - - - | 3,120 |
| Inforced to pleade - - - - - | 500 and odd |
| Vexed without cause - - - - - | 500 and odd |
| There were non-pross. entred - - - - - | 200 |
| Men outlawed and putt in exigent above - - - - - | 1,000 |
| Writts of error brought - - - - - | 66 |
| Twoe issues onely tryed - - - - - | 2 |

And whereas many stood upon their justification, and would not take lycence, he caused an indictment to be prosecuted upon the obsolete lawes wherein the promoters and informers had been sylent.

This he did against one to terrifie others; as he had donne upon one tryall for innes where a justification being made that the howse was an auntient inne, and upon evidence it fell out that longe since the house had been enlarged by buylding a part upon another tenement.

^a The notes of so much of Yelverton's defence on the 30th of April, 1621, as refer to this subject are as follows :—

“ Quo warrantos.

“ Never acquaynted with the patent in byrth or bringing upp, and had bene a starveling yf, &c.

“ Disliked as agaynst [?] the lawe and troublesome to the people.

“ A — ? moved to plead to itt. He stopped itt.

“ Mompesson challenged him for giving him the buffe, and sayd itt was the kinges jewell, and braved him, and sayd he would proceede upon all the quo warrantos, and I should not dare to stop them, and challenged him to mete him before the King.

“ Roy. [?] Strayne not my prerog. agaynst any auncient right of my subjects, deale moderately.

“ Hereupon Emerson brought me a message from Mompesson that he was not to keepe his place of attorney long yf he stopped these quo warrantos, and a while after Mompesson came with a message from my Lord of Buck. that yf he gave not waye to the quo warrantos he should not hold his place a moonth.

“ Hereby he thought much regall power assumed to place and displace officers.

“ So the Marques put him to itt in a straye which to obey, either the Kyng or Buckingham; as stout as Mordachi.

“ These not hallfe the attorneys but the clarkes, and of all he suffered but 2 to coome to tryell.

“ He enriched himselfe never by quo warrantos, and he gott but 30^{li} by the nolo prosequi.

“ He fownd this message shortly after performed. Itt was penall, fatall, for any busines he had. The profitts of his place turned thereupon to one of my lords woorthies; by reason of his cedars above him, and by his shrubbs under him, he had no proffitt by his place.” House of Lords MSS. Compare Lords' Journals, iii. 121.

And concerning new innes : Whereas by the direction of the letters patents he was to lycense none but such as were fitt, and not to misaplie the King's favor to people of base qualitic, and lose condiccion, he contrarywise having his eye uppon his proffett and not uppon the ease and good of the subject sett upp new innes by his lycence, without difference of person or place.

And namely, whereas one William Quick, an alekeeper within the county of Devon, was suppressed by the Justices of Assise, the said Sir Gyles notwithstanding the said suppression lycensed the said Quick to keepe an inne, and the better to coller his proceedings, a certificat was made by Roger Preston and William Martyn in his behalf, and the words Justice of Peace was added by one Wilmote, clark to Sir Gyles, as the said Wilmote confessed before us, and the same was under written, approved by John Drake and other justices, whoe incensed the judges against him ; whereas the said Preston and Martyn were noe justices. And the said Sir Gyles wrott a letter to the said Mr. Drake, being in commission of the peace, and one of the Deputie Leiftenants of the said countie and now one of the knights of the said shire, taxing him for his hard usage to the said Quick, and that if respect of alliance had not restreyned the said Gyles Mompesson more than any other cause, he would certainly have used another course, as he had donne to other men in the like case ; and that if anything were donne by Quick contrary to the lawe, or that he kept a ryotous and disorderly house he should be ready to doe to him that which was not in the power of a justice of peace ; and that he might not give waye to the will of any justice of peace—to oppress the King's tenents ; that in strictness of lawe out of doubt an innekeeper had inclusively all power that an alehouse-keeper had, and by the said letter intreated the said Mr. Drake that he might not have cause to runne another course with him then as a kinseman and freinde, as by the said letter under the said Sir Gyles Mompesson's owne hand appeareth.

And whereas, in the countie of Southampton, by vertue of the said commission, threescore and seaven new innes have been licensed, it is manifest that seaventeene of them were such as had been putt downe by the sessions for abuses on the ale-houses ; and amongst others, one Humfrey Wish suppressed, that dwelt at Minsted, in the New Forest, a harbourer of deare-stealers, and braved the justices that he would do it in despite ; and one Richard Randall, convicted for keeping an ale-house at a bush on the highwaye, and an intelligence to roages and thieves, and suppressed in sessions, was one of those soe licensed by Sir Gyles Mompesson's comission to keepe an inne, though Sir Gyles had notice of his suppression. And Sir Richard Tichborne, telling Sir Gyles Mompesson of theis abuses, Sir Gyles said unto him that he would be buisie until he complayned of him.

And in Buckinghamshire one Barton, putt downe in open sessions for felonies in his howse and other disorders, and his wife infamous, and entred suerties in open sessions in extraordinary somes to keepe noe more, yet afterwards obteyened lycence from the commissioners for an inne. And Gregorie Snowe, and King, putt downe by the justices, were sett up to be innes by the commissioners ; and one Griffyn, that was chased out of Northamptonshire and dwelt in a wood in Buckinghamshire, and sett up an ale-house, and then, pursued by the justices, removed into the village of Waddesden, and there obteyened a licence from the comissioners to sett upp an inne there.

And in the county of Northampton one George Coo, of Cliffe, putt downe at a meeting of justices for harbouring thieves and other disorders, within tenn dayes after sett upp an inn by

agreement with the commissioners, and past it under the seale of the office; and other ale-keepers, suppressed in the countie by the justices, obteyned lycences from the commysioners.

And in Rutlandshire one Hubberd, an ale-keeper in Okeham, whose disclaymed in a *quo warranto* sued against him, was brought upp to London uppon an attachment for a contempt grounded upon the affidavit of one Palmer, for enterteyning him after his disclaymer, and forced by Sir Gyles Moupesson to pay the fees of the attachment, and Palmer's fees, and tooke a lycence and paid five pownds five, and 26s. for the seale of the office, all costing him 7*li*. 4*s*. 6*d*.

And, amongst many other abuses and oppressions of the said Sir Gyles Moupesson and his instruments in the undue execution of the said patents, one Ferrett, an agent for Sir Gyles Moupesson, came late in the even to the towne of Breewood in the countie of Stafford, to the house of one Cooke an ale-keeper, being a man aged above 80 yeares, and desired lodging; the other said he had kept an ale-house fiftie yeares but lodged none. Ferrett pretending the night came on, and for wante of lodging he might fall into the hands of theives, soe farr importuned Cooke for lodging that he said he should lye in his bedd, and he himself would sitt upp all night, and his horse should stand where the cove stood, and she lye without doores, and he would provide an oate sheafe for his horse. "This is well," said Ferrett, "you are one of those that I looke for; you keepe an inne, you receive an horse and man: and served him with a tickett to appeare at London before his Ma^{ty} Commissioners for inns and hosteries;" and Cooke was enforced to send to London to petition for his discharge; and in diverse other countyes of the kingdome sondrie ale-keepers suppressed by the justices in open sessions were notwithstanding after sett up to be innes, by lycence from the commissioners.

Sir Gyles Moupesson in the execucion of his commission hath offended in this, that where rents are reserved for lycence of keeping innes whereby the inne keepers are made in shewe debtors to the king, there is noe record kept of this debt whereby to charge the farmours, as used to be of all farmours, but a remembrance is onely kept in a booke, soe as if the rent should be behende, it cannott be written for to the sheriffe; and noe meanes was left to leavy it, but by an universall course, to take the partie by messengers and pursevants, and when he is taken there is noe place where he may pleade any matters of discharge in forme of lawe, soe as this tends to the subversion of the lawe and the liberty of the people.

And the said Sir Gyles hath dealt fraudulently in this, that whereas he is to have allowance uppon his accompt for money to be layd out in prosecuting this busines, those against whom *quo warrantoes* were sued when they came to compound, as many would rather then undergoe a suite or be questioned uppon the obsolete lawes, he had costs of them alsoe,

And for ought appeares putt into his owne purse without accompt the charges of the licences, for he toke of some twentie and sixe shillings.

It will be seen that Bacon was not consulted as to the convenience of the patent of 1616. All he had to do with it was that, in conjunction with three of the judges, he pronounced in favour of its legality, in opposition to the view which was adopted by the House of Commons in 1621, and by the judges in 1624.

It is therefore advisable to know precisely what the point of law at issue was; and in so doing we must put Mompesson and his fellow-commissioners entirely

out of sight. In the eye of the law they did not license a single innkeeper. It was by the signature of the judges that the licenses were rendered valid. The new machinery was brought into existence for the purpose of supplying the judges with that information which they were themselves incapable of acquiring. The point, therefore, which the House of Commons assailed, was the right of licensing claimed for the judges. It was against the same point that the arguments of the judges were directed in 1624. On that occasion Chief Baron Tanfield urged "that innes were licensed at first and originally by the justices in Eyre. But all the justices were of a contrary opinion, and said that that was the ground that begat the patent to Mompesson, viz. that the King might license if the judges might."^a

Yet it would seem that this view of the law was not held prior to the discovery of Mompesson's abuses. In 1611, Croke, who was afterwards one of Bacon's co-referees, delivered his opinion judicially that "no person is for to erect an inn without license from the King."^b

Again, in 1618, it was "adjudged per totam curiam" of the King's Bench, viz. by Montague, Croke, Dodderidge, and Houghton, "upon evidence at the bar in a quo warranto against Harding, for the Bush at Farnham," that a man having an inn by prescription cannot enlarge his rooms upon adjoining land.^c

Nor was this all. If there was one man in England who was likely to be opposed to Bacon on a legal question it was Coke. Yet Coke distinctly said,

^a Hutton, Rep. 100.

^b Bulstrode, Rep. i. 109. There is a petition extant, presented by a certain Peterson in 1607, which shows that the idea of the King's power to license was not first broached by Mompesson.

"There apperteyneth to the crowne the authorizing of all innes which are not lawfully authorized, which now yealdeth noe proffitt to his Ma^{tie} and this by the lawe is the King's, as his Ma^{tie} learned counsell can affirme.

"This will speedily yealde a great some of money, if some officer under the Lord were authorized to bringe in or to passe such grants under the chequer seale, which is greatly desired of the most part of the inkeepers, for that nowe at the present they are, and have bin a long tyme, greatly troubled in attending the justices of peace, whose authority by the statute reacheth no further then to call before them alehowse keepers, and to bynd them in recognizances, and not the inholders.

"If the inholders may obtene leases for their lyves out of the exchequer they will give money for yt; and their number is gret, and they will be gladd to be disburdened of the justices taxacions and impositions, and also of the promoters, who contynually enforme against them without authority.

"Theis inholders will enter into covenant, and give sufficient bonds in the exchequer for performance, to thend they may be at quiet and freed from impositions and troubles as aforesaid."—Add. MSS. 10,038, fol. 131."

^c Viner's Abridgement, xix. 437, Art. Inns, sec. 9.

in the House of Commons, that the patent for inns was "good in law, but ill in execution."^a

So far it may be said that a defence has been set up against the only charge which can be formally brought against Bacon. But there can be no doubt that he really approved of the whole proceeding. "I hear nothing," he wrote to Buckingham, when the patent was under consideration, "from Mr. Mompesson, save that some tell me he is knighted, which I am glad of, because he may the better fight with the 'Bull and the Bear,' and the 'Saracen's Head,' and such fearful creatures."^b

In fact, the question between the Crown and the justices, so far as it was a political one, was only one phase of the great question between the central government and the local authorities, which at this period meets us at every turn. On which side Bacon's sympathies really lay it is impossible to doubt. But it is easy to forget, that whilst his action defeated itself through the misconduct of the officials in whom he placed his confidence, and whilst it is undeniable that it was of advantage to England that his policy was nipped in the bud, there were nevertheless grave inconveniences to be apprehended in handing over the unrestrained management of local affairs to the local authorities. In the action of the justices of the peace there was sure to be irregularity. In one place private jealousies, in another over-remissness or over-strictness, were likely to influence their conduct. We have, it is true, no general statement, other than that contained in the patent, of the views of the Government with respect to inns. But a quotation from a letter written by the King, upon a kindred subject, long before either Buckingham or Mompesson were thought of, will not be out of place.

"Being informed," he wrote in 1608, "of the excessive numbers of ale-houses, victualling and tippling houses within our realm, and of the great abuse in granting licenses for the same, and in setting them up and putting them down at pleasure upon suit and means made without due regard either to the number or the quality of persons so licensed, and that not without more charge to them than is warrantable, although the matter may seem to concern the meanest of our subjects, yet, inasmuch as we are answerable to God for toleration of disorders and vices, whether it be in great or small, specially where the care of our inferior and

^a Proceedings and Debates, 1621, i. 65. This valuable collection, the writer of which has been hitherto unknown, is proved, by the fragments of the original notes preserved amongst the State Papers, to have been the work of Edward Nicholas.

^b Works, ed. Montague, xii. 486.

subordinate ministers appeareth to be wanting, we have thought good by the advice of our Privy Council to take a course for a reformation in this behalf."

It may well be argued that the remedy which obtained Bacon's support was worse than the disease, but it can hardly be said that there was no disease at all.

Compared with the objections which have been raised against the patent for Gold and Silver Thread, the objections against the patent for Inns sink into insignificance. In no other case were the abuses so manifest, and in no other case can Bacon's participation in those abuses be so clearly traced. It is therefore not to be wondered at that we have hitherto heard more about it from writers whose estimate of his character is very low, than from writers whose estimate of his character is very high.

The first patent^b was granted in 1611. It commences thus:—

"Whereas our loving subjects Richard Dike, Mathias Fowle, Humphrey Phipps, and John Dade of London, merchants, have undertaken and do undertake to establish and perfecte within this our realme of England, and for the service of the same, the arte, misterie, trade, or feate of making, beating, cutting, thredding, and spynning of gould and silver threed, and have begunne to use, exercise, practize, sett upp and putt in use the said arte, misterie, trade, or feate of making, beating, cutting, thredding, and spynning of gould and silver thread, within this our realme of England, in such manner and forme as gould and silver threed, commonly called Venice gold and silver threed, is or hath bene made, beaten, cutt, threeded, and spunne in Millaine, Naples, Florence, Bolonia, Italie, and France, or in all or any of them, which said arte, misterie, trade, or feate had not before bene used, exercised, practised, sett upp, or put in use within our said realme of England, and whereas the said Richard Dike, Mathias Fowle, Humfrey Phipps, and John Dade have already att their charge sett upp or praid to be sett up within this our said realme of England, and other our said dominions, divers frames, loomes, ingines, and other devises and meanes, and more will, for the better using, exercising, practising, setting upp, putting in use, and perfecting of the said arte, misterie, trade, or feate within our said realme of England, and other our said dominions, and doe likewise intende to teach and instructe, or to procure to be taught and instructed in the same arte or misterie, many of our people and subjects of this our said realme of England, and of other our dominions and countries, by meanes whereof the said gold and silver threed, which heretofore hath been brought into this our realme of England and other our domynions from forraine parts, may not only hereafter be made within our said realme and other our domynions by our owne people and subjects, but many of our said people and subjects may thereby be releaved, mainteyned, and sett on work. And forasmuch as the use, exercise, practize, and em-

^a The King to the Mayor and Justices of Southampton, March 3, 1668. Cott. MSS. Tit. B. iii. fol. 1.

^b Grant to Dike and others, June 5, 1611. Patent Rolls, 9 Jac. I. part 7. In Mrs. Green's Calendar of State Papers, a docquet referring to this business is given, under the date of September 27, 1604. Its true date is 1614, and it refers to the second patent which will be afterwards mentioned.

ployment of our people in the said arte, misterie, trade, or feate is very likely in tyme to prove very beneficiall and comodious to us and to our said subjects and comon weale, as well by the learning, teachinge, and instructing of our said subjects in the said arte, misterie, trade, or feate, as alsoe in setting in work, relieving, and maynteyninge themselves by a trade not heretofore used. Know ye therefore," &c.

The patent goes on to grant these persons a monopoly of the manufacture during twenty years, and directs the Court of Exchequer to afford proper protection to the patentees.

There is some obscurity about the mode in which this patent was obtained. In 1621 Dike stated that the scheme had been proposed by Bradshaw and Lashett. Fowle said that Lashett had brought it to Lady Bedford.^a On the other hand, Phipps and Dade are spoken of by the Commons in their charge against Mompesson^b as being the trustees of a certain Broad, and yet Broad stated to the House of Lords that he had been himself the originator of the design, and had been cheated by Dike and Fowle.^c

^a Proceedings and Debates in 1621, i. 127, 128.

^b House of Lords MSS.

^c "The particular grievances and losses sustained by Fraunces Broade, thorough the unjust dealinge of Richard Dike and Mathias Fowles, are as followeth, viz.:-

1. First, the saide Fraunces Broade, having bin att greate charges for the procuring of strangers out of forraigne parts, to teach the art and manufacture of spynning of gold and silver threed within this realme, to the value of 2,000^{li}. att the least, was (after due examination, made by the Lords of his Ma^{ty}. most hon: Privy Councill of diverse persons of severall trades using the said stuffe within this realme, of and concerning the necessitie and necessarynesse of the same to bee here made) offered by the said Lords a patent for the sole doieng thereof for certaine yeares; which hee then neglecting to accept, the said Fowles and Dike, knowinge thereof, entreated the said Broade that they might also have a dealinge therein with him, promising not onelie to paie him the said 2,000^{li}, but to procure a patent for the same as well in the name of him, the said Fraunces Broade, as of themselves; which he giving waie unto, they procured the said patent, but in their owne names, leaving the said Broade out of the same, by which he lost the said . 2000^{li}.

2. Secondlie, the said Fowles and Dike making shewe of a pretended partnership to bee between them and the said Broade (which was never perfected), not onelie gott from the said Broade the practize of makinge the said gold and silver threade, but a greate stocke of money, goodes, and tooles of his and his freindes, and many servants, strangers, which Broade had bin att cost with to fetch from forraigne parts, some of which are yet deepeleie indebted to the said Broade, whereby he lost the whole, to the value of 1,000^{li}.

3. Thirdlie, the said Broade hath, by means of the said Fowles and Dike, bin kept from work in his said trade by the space of three yeares or thereabouts, by which he lost att trade 1,000^{li}.

4. Fowerthlie, the said Frauncis Broade having, in May, 1618, delivered a petition to his Ma^{ty}, in which he sett downe the premisses (amongst other things) desiring releife, It pleased his Ma^{ty} to referr the whole busyness to the hearing and determination of Sir Henry Yelverton, K^t., his then Attorney-Generall, and to

At all events there appears to be no doubt that it was through the influence of Lady Bedford that the patent was brought to Salisbury's notice, and for this service, according to Yelverton's statement, she received £1,000 from Dike and Fowle;^a Dike, however, said that she received a sixth part of the patent.

It was not long before we find attempts made to infringe upon the patent. In 1613 and 1614 we find Sir Henry Montague, at that time Recorder of London, imprisoning offenders and taking away their tools.^b

The attention of the council was accordingly drawn to the question. Both sides were heard, and a new patent^c drawn up, which passed the Great Seal on the 10th of January 1616.

After reciting the concessions made in the former grant the patent proceeds as follows:—

"And whereas, by virtue of the said graunts, they the said Richard Dike, Mathias Fowle, Humfrey Phippes, and John Dade, have sithence the making of the said graunte to their greate charge and hasard both of their lives and estates, broughte from beyond the seas divers skilfull and experte workemen in the said arte, misterie, trade, and feate, whose by their industrie and paines, and at the like charge and coste of the said Richard Dike, Mathias Fowle, Humfrey Phippes, and John Dale [sic] have since within this realme taught and instructed divers of this nation in the said arte, misterie, trade, and feate whose are nowe experte in the same, soe as by

Sir Thomas Coventrie, K^t., his then Sollicitor, to end if they could, or to certifie his Ma^{ty}. the state of the case and their opinions; who upon open hearing in the presence of Sir Edrd. Villiers and Sir Nicholas Salter, K^t., upon the voluntarie offer (for ending of all suites and controversies) of him the said Mathias Fowles, ordered that assurance should be given by the said Fowles and Dike, that the said Broade should from thenceforth onelie platt all the wyer into plate, which was to be used for the said purpose, att the rate of threepence halfepenny the ounce, which assurances were accordingly drawne up by the said Sir Thomas Coventrie, but after refused to be perfected by the said Fowles and Dike. And yet the said Broade nevertheless still kept from worke in his said trade by the said Fowles and Dike, and the said Sir Henry Yelverton perswaded not to certifie to his Ma^{ty}, as was required according to the said referrment, although Sir Thomas Coventrie was willing to have joyned therein with the said Sir Henry, if he would have certified; whereby the said Broade hath lost att the least att the rates agreed on as abovesaid . . . 2,000^{li}.

5. Fiftlie, the said Fowles, sending for the said Broade to come to his house, and see the said Broade then demanding of him the perfecting of the said bargain, and telling him that otherwise he would worke again, the said Fowles not onelie imprisoned him by the space of an hower, but had like to have slaine him with his sworde.

Read 26 Apr: 1621.

Ordered Broade to take his remedy by a due course of law.

House of Lords MSS.

^a Proceedings and Debates in 1621, i. 120, 127, 138.

^b Yelverton's relation, Proceedings and Debates in 1621, i. 120.

^c Indenture between the King and Dike and others, January 10, 1616. Patent Rolls, 13 Jac. I. part 16.

their greate care, paines, labors, and endeavors the same is become verie profitable unto this realme, as well in setting divers poore people on worke, as alsoe in the spyning and working of silver and gould thredd, and copper gould and silver thredd, within this realme, which before was for the moste part brought from beyond the seas, soe as the same arte, misterie, trade, or feate is verie likelie in shorte tyme to become a native and setled trade within this realme. And whereas, of late tyme, since the graunting of the beforemencioned letters patents, Bartholomewe Honoras, Stephen Mounteage, Claudius Dorrell, and others, straungers borne oute of his Majesties domynions, did complaine unto the Lords and others of his Majesties moste honorable counsell, and informed them that the said arte, misterie, trade, or feate had been an auncient trade of long tyme used within this realme before the graunting of the letters patents. And whereas, the said Lords, and others of his Majesties moste honorable privie counsel, did thereupon examyne the truth thereof, and upon due examynacion did finde that the same arte, misterie, trade, or feate had been formerlie in handling and endeavored to be settled within this kingdome, but indeede had never been established and perfected within this realme nor constantlie or openlie used before the graunting of the said recited letters patents—"

The patent then proceeds to say, that the patentees had surrendered the former patent, and that Dike, Fowle, and Dorrington had covenanted, that the King should receive no loss in his customs, by reason of the cessation of importation, "which covenant, or the like, noe other man hath hitherunto entred into with his Majestie," and "have already, and doe, likewise, intend to teach and instruct, or to procure to be taught and instructed in the same arte or misterie manie of his Majesties people and subjects of this realme of England, and of other of his Majesties domynions and countries. And forasmuch as by the meanes aforesaid, the said arte, misterie, trade, or feate is verie likelie, in tyme, to prove verie beneficiall and commodious to his Majestie, and to his said subjectes and common weale, and noe waies hurtfull to the same, Nowe, this indenture witnesseth," that Fowle, Dike, and Dorrington might, for twenty-one years, conduct the manufacture, "in such manner and forme, as gould threed and silver threed, &c. is or hath been made, beaten, cutt, threaded, sponne, milned, flatted or drawne into wyer, in Millaine, Naples, Florence, Bolonia, Italie, and France, or in anie other place whatsoever, beyond the seas," paying to the King £10 a year. No one else is to be allowed to made gold or silver thread. Writs are to issue out of the Exchequer to mayors, bailiffs, &c. to inquire after offenders. With the assistance of officers they may enter any shop or other place, and if resistance is offered are to certify the same into the Exchequer; in which court offenders are to be punished with fine, imprisonment, or otherwise, in accordance with law. Dike and Fowle, together with Francis Dorrington, who stepped into the place of Phipps and Dade, were to have for twenty-one years the sole right of "making, working, beating, cut-

ting, milning, and flatting," gold and silver thread. The words, "milning and flatting," had not been introduced into the former patent, and seem to have been intended to secure the grant from all possible competition.

In return, the patentees engaged to import bullion to the value of £5,000 every year, and to pay to the King a sum equal to the average yearly amount of the customs upon importation which he would lose by the growth of the domestic manufacture.

Such was the patent which was granted after long and serious deliberation at the council-table. For seventeen months, so Yelverton afterwards affirmed, "Ellesmere stopped itt; . . . but afterward, and upon proof it was a new invention, he passed it."^a

It was upon the grant of this second patent that Sir Edward Villiers invested £4,000 in the undertaking.

It was thus, before Mompesson and Michell had ever been heard of beyond the circle of their own acquaintance, before Bacon had ever been asked his opinion on the subject, a monopoly was granted. If it was wrong to give any special privilege at all; if it was wrong to impose penalties upon those who engaged in competition; if, above all, it was wrong to allow any one of the name of Villiers to interfere in such matters, all these wrongs are included in the first two patents. It is, therefore, not unimportant to those who wish to know what Bacon's share in the matter really was, that they should understand, that, when these two patents passed the seal, the Great Seal was not in the hands of Lord Keeper Bacon, but in the hands of Lord Chancellor Ellesmere. Upon the 10th of January 1616 Bacon was not even a Privy Councillor. It is to be hoped, therefore, that we shall hear no more of those comparisons between Ellesmere's probity and Bacon's dishonesty, which have no foundation whatever in fact.

Before proceeding to consider the motives by which those who supported the grant of the patent were probably actuated, it will be perhaps as well to proceed a little further.

The business did not prosper. The goldsmiths, who had been heard at the council-table before the grant of the patent, still maintained their right to manufacture the article themselves. In April 1617 Sir Edward Villiers brought the grievances of the patentees before his brother and the King. On the 16th of April Buckingham wrote to Yelverton, the Attorney-General, requesting him to further the patent, for that it concerned his brother. About the same time the affair was commended by the King to the consideration of the council; and on the 25th of

^a Notes of Yelverton's speech. House of Lords MSS.

April the council instructed Yelverton to lay an information in the Court of Exchequer against the offenders.*

Accordingly, in Trinity Term, Yelverton exhibited a Bill^b against forty-two persons, one of whom was the Hugh Middleton who had brought the New River into London.

Of this Bill the more important portions read as follows :—

"Sheweth and enformeth your Lordships, Sir Henrie Yelverton, Kt. his Majesties Attorney Generall, that whereas the new inventing and finding out of necessary and profitable artes and sciences, or the bringing into this realme from the partes beyond the seas of any such necessarie [artes and] sciences which have not before tymes beene used or exercised within this kingdome for wante of the skill or knowledge of the secrete or misteries thereof, is a meanes to sett the King's subjects on worke, and to mayntaine and increase theire wealth and the wealth of the wholl [commonwealth here], by which his Ma^{ty} by his royal auctoritie and prerogative is princepallie to take care of and to encorage, cherish, and reward the inventors and firste bringers into this kingdome of such artes and sciences, by privileges and immunities to them to be granted by auctoritie and prerogative royall as his Ma^{ty} by the advise of his counsell shall finde to be good and beneficiall for the common wealth and good of this kingdome. . . .

Whereas the art of manufacturing gold thread, &c., is a necessary and profitable art "both for setting of great numbers of his Ma^{ty} subjectes on worke, and for to mayntayne and increase theire wealth and the wealth of the kingdome, the true misterie and secretts of which arte was not before his Ma^{ty} happy entrance into this kingdome, and verie latelie, known or practised as any continewed trade or misterie by any of the trade or misterie of the gouldsmithes, nor by any of his Ma^{ty} subjects within this kingdome, nor the said arte or misterie even before that tyme used or exercised as a trade within the same, and therefore his Ma^{ty}" granted patents to Dike, Fowle, &c. who "having spent much tyme and greatesomes of money in the partes beyond the sea in attayneing to the knowledge of the said misterie, did before others sett up the said feat or misterie within this realme of England, and used the same comonly as a trade, instructing others therein.

"And after the granting of the said letters patents Barthollomue Honoras, Stephen Mountego, Claudius Dorrell and others, strangers, borne out of his Ma^{ty} dominions, wyerdrauers, who had in former tyme attempted the makeing of the said thredd, but never understood the groundwork, which is spinning, being forbidden by the said letters patents, they did complayne unto the Lordes and others of his Ma^{ty} most ho^{ble} counsell, and enformed them that the said arte, misterie, trade, or feate had been an ancient trade of long tyme used within this realme, before the granting of the said letters patent. Whereupon the said Lords and others of his Ma^{ty} most ho^{ble} Privie Counsell, examining the truth thereof, upon dewe examinacion evidently found that the said arte, misterie, trade, or feate had beene formerlie in handling, and endeavored to be settled within this kingdome, but, indeed, had never beene established and perfected within this

* Notes of Yelverton's case. House of Lords MSS.

^b Bills and Answers in the Exchequer, James I. London and Middlesex, No. 1113.

realme, nor constantlie or openlie used before the granting of the said letters patents by any other then the said patentees, and those whom they set on worke; nor that the said wyer drawers had ever brought up any spinners to worke and make the same as it ought to be wrought." Dike and Fowle surrendered their patents "to the end that o' Soverayne Lord the Kinge should and might make the like grante for the consideracion aforesaid, and other consideracions hereafter expressed," to Richard Dike, Mathias Fowle, and Francis Dorrington. "Whereupon our said Soveraigne Lord the Kinge, considering that the said patentees during the said terme weare not likelie to reape profitte answerable to their chardge and expence, was graciouslie pleased to grante the like privilege unto the said Richard Dyke and Mathias Fowle, and unto the said Francis Dorrington, who had allsoe beene at chardge in furthering the said misterie and use thereof within this realme, and was named allsoe at the request of the said first named patentees. And thereupon certaine indentures dated the tenth day of Januarie in the thirteenth year of his Maj^{ties} raigne were made betweene" the King and the patentees, under the Great Seal, to bring in £5,000, and to pay a sum to be afterwards fixed in lieu of customs.

The patentees have "to their greate costes, chardges, and expenses of money, to the value of eight thousand pounds att the least, brought the said arte, misterie, trade, and feate, to perfeccion within this realme, and have taught and instructed diverse of this nation in the same, and enabled many hundred poore people to live by the exercise thereof. But now, soe it is, if it may please your Lordshipps, that one Thomas Williams and Thomas Ledsam, wire drawers of London, and now latelie made freemen of the Companie of Gouldsmithes of London, who have, upon the debating of the said matter before the Lordes of His Ma^{ties} Privie Counsell, confidentlie affirmed and offered to depose, that the said feate or misterie was never before that tyme used in England, and divers others whose names His Highnes' said attorney knoweth not, but humblie prayeth that they may be hereunto inserted as defendents as they shall be knowne, have now neverthelesse combyned themselves with sundrie gouldsmiths of London, and sondry others whose names are allsoe unknowne to His Ma^{ties} said Attorney-Generall, and whome he prayeth may be made defendants to this bill as their names shal be discovered, and have animated and stirred them up to use and exercise the said arte, misterie, trade, and feate, of making of gould and silver thredd, untrewly pretending the same to belong and appertaine to the arte and mysterie of a gouldsmith." And he concludes by praying that subpœnas may issue against them.

To this bill many of the inculpated persons answered :—

Thomas Williams and others answered, that "the City of London is an auncient city," and that in it is a company of goldsmiths; that the art of making gold and silver thread was exercised by them before His Majesty's accession, and is a branch of their trade. That what the patentees pretend to have invented and brought in

is "in substance and workmanship none other but such like gould and silver thread which heretofore in auncient and later tymes was used, worne, and employed for making of embroidery and laces of gould and silver, guards and ornaments of gouldsmyths worke upon apparel and other vestures in this kingdome, made and wrought within the same." The words used in the patent are mere technical names for part of the ancient well-known manufacture.

The art of drawing gold wire was anciently used in London, for at a Common Council in the City of London in October, 3 Edward IV., there was mention made of foreigners who were gold wiredrawers.

Thomas Williams said, that as a goldsmith, he has used the trade of drawing, &c. gold and silver wire or thread for fifteen years, and had employed Mary Forsett; and described the process.

T. Ledsham said, that about twelve years ago he dwelt with Williams, and has been engaged in the manufacture.

Mary Forsett said, that in 38 Eliz., being ten years old, she was put apprentice to a Frenchman, John Rosineall, then living in London, who made thread, and taught her and others; and afterwards she took up the trade.

Nicholas Forsett said, he was a weaver; his wife works at the gold thread, as is lawful.

The defendants also said, that although "the forgeing, and beatinge of gould and silver plate with hammers, and cutting the same with sheares, after the manner or fashion of Venice, Millan, Bolonia, Florence, Italy, and Fraunce, and other parts, which the said grauntees do claime to use by collour of the said patent or graunte, bee a thing which these defendents nor anye of them doe or have used, practised, or exercised in their art or science, yet these defendants hope to prove that that kynde of workmanship alsoe was before his Majestie's happy entrance to this crowne endeavored by some to be brought to use in this realme.

"And theis defendants doe denye that the said Richard Dike, Mathias Fowle, Humfrey Phipps, and John Dade did, before others, sett upp the said feate, art, or mistery of drawing, millinge, flatting, whippinge, or spinninge of gould and silver threed, within this realme of England. But, as theis defendants take it, the said parties did inveagle divers workmen of that art or mistery, of and within the said cittye of London, to worke for them in the said arte or mistery, and to show and direct them how to gett and use the said engines and tooles belonging to the said art, and that sithence their instruccions and discoveries of the secretts of the said art, they the said grauntees and patentees have, by and under the foresaid and untrue suggestions by them made, obteyned their said last graunte and

patent, and not otherwise, without that the said R. Dike, M. Fowle, H. Phipps, J. Dade did, after the making of their said graunte, bring, or had caused to bring, any skilfull workemen and workwoemen in the said art, mistery, trade, or feate, from beyond the seas, or have taughte and instructed divers of this nation in the said art, mistery, trade, or feate, or that the said mistery is become profitable to this realme, by their paines, labour, and endeavours," or have in any way helped to establish it.

The defendant Williams denies that, in debating the matter before the Privy Council, he said that the trade had never before been used.

Ledsham denies the same.

The date of this answer is July 4, 1617. Other answers follow in the same spirit, which are too long to be inserted here.

The proceedings came to nothing. Yelverton replied; but his reply, so far as I am aware, has not been preserved. No depositions were taken, and no judgment was demanded. A new and stricter course was adopted; and with it, for the first time, Bacon^a appears upon the scene. It will, therefore, be well before inquiring what was the part which he took in the matter, to attempt, as far as it is now possible, to bring before us the shape which the affair would be likely to assume in his eyes.

It is true that a sentence has frequently been quoted from Bacon's writings which is supposed to preclude the necessity of any further inquiry. He told Villiers, it is said, that he was to take care that "monopolies, which are the cankers of all trading, be not admitted under specious colours of public good."^b If Bacon had foreseen the inference which was to be drawn from this simple expression, he would no doubt have replied in the words of the old maxim, "*Dolus latet in generalibus*." A sweeping expression of this kind, by whomsoever put forth, is sure to be mentally accompanied by limitations which are forgotten by those whom it reaches in later generations. In truth, it would be as reasonable to charge with inconsistency any one amongst the numerous agitators who, within our own times, declaimed against the Corn Laws as a monopoly, because he took out a patent for a newly-invented machine, as it is to speak of Bacon as necessarily contradicting his own principles by the support which he gave to this patent. In 1621 Yelverton, when before the House of Lords, declared to a hostile audience his belief that the patent was no monopoly; and though no similar expression from Bacon's lips has reached us, there happens to be a curious piece of evidence which indirectly shows what his opinion was. In 1619 a declaration, which had been issued many years before for the guidance of suitors,

^a Commons' charge against Mompesson. House of Lords MSS.

^b Advice to Sir George Villiers.

was reprinted.^a It contained information as to the classes of suits which the King bound himself to refuse. At the head of the list, occupying a paragraph by itself, stands the single word "Monopolies." Is it conceivable that this declaration was published without Bacon's knowledge? And if he had believed that the grants in question were monopolies in the objectionable sense of the word, would he not have suggested the suppression of the condemnatory document?

Already in the House of Commons, in 1601, Bacon had declared his opinion on the subject of grants of this kind. He there spoke of patents as commendable in cases in which "any man out of his own industry or endeavour finds anything beneficial for the commonwealth, or brings in any new invention;" that is to say, I suppose, introduces it from a foreign country.

Nor is this concession of an equality of privilege to original inventors and to persons who merely introduce an invention from a foreign country peculiar to Bacon. Its principle was taken for granted by both sides in the conflict which ensued. It was left untouched by the statute of Monopolies in 1624, and it is to this day held by lawyers to be in accordance with the law of England.^b

The objection which was raised in the House of Commons against the patents of 1611 and of 1616 was not that they conferred a monopoly upon a manufacture introduced from abroad, but that, in point of fact, the manufacture was not introduced by the patentees. To do them justice, those who spoke on behalf of the Government always acknowledged that, according to the strict letter of the law, this was true. Gold wire, they said, had been manufactured in England before. Stripped of its technicalities, their language amounts to this: Though the patentees were not the first to make wire in England, they were the first to set up a manufacture on a sufficient scale to compete with the importation from the Continent. The object of the grant was not primarily to reward the patentee, but to benefit the nation; and if it could be shown that it was owing to the efforts of the patentees that the manufacture would be introduced on a large scale into England, the Government would probably feel themselves justified in overriding the claims of those whose labours, whatever they were, had not succeeded in bringing the manufacture into English hands.

Unless we had in our hands specimens of the work of both parties, it would

^a There is a copy with this date amongst the State Papers.

^b By the statute of Monopolies, patents for fourteen years may be granted for the "sole working or making of any manner of new manufactures within this realm." The interpretation put upon this is, that "a person who first imports an invention, publicly known abroad, into this country, is the first inventor within these realms." Chitty, *Collection of Statutes*, ed. 1853, iii. 445, note b.

hardly be possible for us to judge what improvements had been introduced. That there was at least a difference is acknowledged by the replies in the Exchequer. To us, no doubt, the course to be taken is clear. A patent should have been granted for the improvements, leaving the goldsmiths to do what they could with their old methods. In other words, the patent of 1611 should have been adhered to, and the patent of 1616 should have been dropped. Yet, when we remember that it was only after seventeen months of patient consideration that Ellesmere consented to set the seal to the latter patent, we may perhaps hesitate before we charge him with dishonesty in giving his assent at last.

Unfortunately for the credit of the Government the prosecution in the Exchequer was dropped. Perhaps it was feared that the court would decide without respect for the plea that the practical introduction of the manufacture was sufficient. At all events, Sir E. Villiers was anxious to receive the interest of the money he had invested. Scarcely had the Bill in the Exchequer been filed, when he and Fowle brought to Yelverton a letter which had been written by the King in Scotland, on the 10th of July, ordering him to commit offenders to prison; in what capacity does not appear. This letter, he afterwards stated, "he kept by him, thinking the King not well informed."

In due course of time the King returned to England. A project was broached for inspiring the offenders with greater terror. The manufacture was to be taken altogether into the King's hands. Fowle became the King's agent. The profits were to be the King's, and out of these he agreed to give a pension of £500 a year to Sir Edward Villiers, who had sunk £4,000 in the scheme, and £800 to Christopher Villiers.

The scheme was referred to Bacon, Montague, and Yelverton;^a and after their approval had been obtained, the following proclamation^c was issued on the 22nd of March, 1618:—

"James, by the Grace of God, King of England, Scotland, France, and Ireland, defender of the faith, &c. To all to whom these presents shall come, greeting. Where wee have alwayes helde it one of the most necessary cares and considerations incident to the state and office of kings and soveraigne princes, so to dispose of their people and governement, as the knowledge and use of good and profitable arts and inventions may become common and frequent among their people, the same being one of the greatest means to increase and preserve the wealth and strength of state and people; considering that labour and industry, well imployed, maketh kingdomes great and flourishing. And, forasmuch as some of our good and loving subjects of our realme of England have of

^a Notes of Yelverton's case, House of Lords MSS.

^b Commons Journals, i. 538.

^c Proclamation, March 22, 1618. State Papers, Dom. clxxvii. 53.

late, to their great charge, brought into this our kingdome, and have herein by their great industry erected and perfectly established the arte and myserie of making gold and silver threed, a feate or manufacture formerly used or made in forraine parts beyond the seas, and by strangers and others from thence transported and brought as a commodity of great use into this our kingdome of England, wherein they have so well and commendably proceeded, as that they are now able to make sufficient store of gold and silver threed to serve for the use and expence of our whole kingdome. And whereas a matter of so great consequence, and wherein so many of our people should be interested both in the making and use thereof, may well be judged more fit for us to take into our hands, then to leave the same to the power and dispose of private men; and as well to prevent the abuses which may be offered to us and our subjects by the counterfeiting of the said gold and silver threed, as likewise for the preservation of bullion within this our kingdome, we have caused this our whole worke to be taken into our possession for the general good and benefit of our people and loving subjects, and have also provided and taken sufficient order that our loving subjects in all parts shall not at any time want convenient quantitie of the said gold and silver threed for their use, but shal also be served of it at reasonable prises; and that such as are skilfull in the working and spinning thereof shall be employed therein, if they faithfully and honestly performe the same, and at such rates and wages as they whom wee specially shall lycence thereunto shall thinke meete and convenient; which care and good intention of us hath of late beene greatly interrupted and opposed, not onely by the bringing into our said kingdomes and dominions great quantities of gold and silver threed from divers parts beyond the seas, but also by the private working and making thereof in corners, by divers strangers and others, contrary to our patent of privilege heretofore granted; the same being no knowne nor continued trade within these our realmes, howsoever divers of the goldsmiths of London have lately presumed and attempted to make the same parcell of their trade, by reason onely of some few experiments heretofore by them and others made, and by fittes onely, and for very small quantities of gold and silver threed; whereby this so excellent an invention, thus brought into this our kingdome, is likely to be utterly overthrowen, and our subjects much wronged by counterfeit and base gold and silver threed made and sold by the under-hand workers, if the same by our care should not be provided for and speedily prevented; and albeit that by meanes of the gold and silver threed made and to be made within our said realme we should receive great hinderance in our customes and other dueties, formerly paide unto us and our predecessors, Kings and Queenes of this realme of England, for and upon that commodity imported, for which, neverthelesse, we have taken order as farre as is convenient: yet wee, that in all our actions and proceedings have our eye of grace rather upon the flourishing estate of our kingdomes and the comfort of our people then upon our profit, have resolved to prefer the estate and good of our kingdome before the precise consideration of our own benefit, rather then to interrupt or overthrow so excellent a worke and effect of our care and princelie pollicie for the welfare of our subjects. These are, therefore, to require and command all and singular person and persons whatsoever, as well our naturall borne subjects as denizens or strangers, that none of them, nor any other person or persons whatsoever (other then such as we shall give special license thereunto, and such as they shall set on worke), doe at any time or times hereafter attempt or presume to make any gold or silver threed, or copper-gold and silver threed, within our said realmes and dominions, upon paine of forfeiture of all and every quantitie and quantities, parcell or parcels, of such

gold and silver threed, and copper-gold and silver threed, so made in our said realmes and dominions, contrary to our present commandement, and also upon paine of our high indignation and displeasure, and such further paines, penalties, and punishments as for the contempt of our commandement royall, in this behalf, may any way bee inflicted upon them, or any of them so offending contrary to the true intent and meaning herein signified.

And whereas by a statute made in the fourth yeare of the late King Henry the seventh, it was ordained and enacted that no finer of gold and silver, nor parter of the same by fire or water, from thenceforth should alay no fine silver nor gold, nor none sell, in any other wise, nor to any person or persons, but only to officers of mints, changes, and goldsmiths within this realme, for the augmentation and amendment of coine and plate; nor sell to no person any matter of silver molten and alaid, upon pain of forfeiture of the same, or the value of the gold or silver so alayed or sould; and that no goldsmith within this realme should melt and aloy any fine silver to or for any workes of other intent, but onely for making of amels, or for amending of plate, nor that they should sell no fine silver nor other silver alayed, molten into masse, to any person or persons whatsoever they bee, nor one goldsmith to another, upon paine of forfeiture of the same silver or value thereof. Wee, therefore, for the better execution of our said will and pleasure, and preservation of our bullion within this our kingdome, do further straitly charge and command that no goldsmith or goldsmiths, finer or finers, parter or parters of gold and silver, within our said dominions, shall for their use or benefit, uses or benefites, fine, part, or cause to bee fined or parted any gold or silver, or provide or cause to bee provided any gold or silver, and the same utter, or sell, or otherwise dispose to any person or persons whatsoever, whereby to make or cause to be made the said gold and silver threed, except to such person and persons as we shall license to make the same to our use, and that the said goldsmith or goldsmithes, finer or finers, parter or parters, or any of them, or any for them, or to their use or uses, shall not provide, utter, sell, or deliver any gold or silver at all to any person or persons whatsoever, without taking speciall notice of the names and habitations of such person and persons as shall buy, receive, or have any such gold or silver of them, to the end it may appear to us to what use and uses the same gold and silver shall be employed, upon paine of forfeiture of all such gold and silver, and of undergoing our high indignation and displeasure, with such further paines and punishments as for the same their defaults may any wayes bee inflicted upon them, and every of them, in this behalfe offending.

And we doe further straitly charge and command all and singular person and persons whatsoever within our said realms and dominions, that they nor any of them do or shal, at any time or times hereafter, make, erect, set up, mend, or use any frame, engine, instrument, mill, or tool whatsoever, for the drawing, flatting, milling, and spinning of gold and silver threed, or of copper-gold and silver threed, or for the drawing or flatting of wyer to the ende to make the same, without the lycence of us, or such as we in that behalf shal specially appoint, upon the paines and penalties before expressed; nor that any person or persons whatsoever shall provid or sell, or cause to bee provided or sould, any silke to be throwen or made fitting for the making or spinning of gold or silver threed, or of copper-gold and silver threed, except to such person and persons as we shal license to make the same to our use, upon the like pains and penalties before mentioned. And that no person or persons whatsoever, after the twentieth day of April next commencing, shall attempt or presume to bring in, or cause to be brought into our said realms and dominions thereof, or to any of the ports,

havens, creeks, or places of any of them, any gold or silver threed, or any copper-gold and silver threed, made or to be made in any forreine place or places whatsoever, upon paine of forfeiture of all such gold and silver threed, and of all such copper-gold and silver threed, so brought in or caused to bee brought into any of our sayd dominions, contrary to our said commandement.* All which said gold and silver threed, and copper-gold and silver threed, brought in and forfeited as aforesayd, our will and pleasure is, that such person or persons as shall make seizure of the same shall forthwith bring and convey the same to the storehouse within our Custome-house, in our City of London. And after such person and persons shall have made such seizure of such forfeited gold and silver threed, and copper-gold and silver threed, and brought the same to our Custome-house as aforesaid, then our will and pleasure is that he or they, after due appraisement thereof, by the sworne praisers for such purposes, shall receive the moitie of the value of such gold and silver threed, and copper-gold and silver threed, so seized and brought in, as aforesayd, upon paine of imprisonment and such other punishment as shall be fitt to be inflicted for the breach of this our royall commandement. And our further will and pleasure is, that no person or persons whatsoever, after the twentieth day of April next coming, shall buy, receive, utter, or sell any gold or silver threed, or copper-gold or silver threed, made in the parts beyond the seas, or made within any of our sayd dominions, but onely such gold and silver threed, and copper-gold and silver threed, as shalbe first sealed with our seale, already appointed for that use, by such person or persons as shalbe by us in that behalfe especially nominated or appointed. And wee doe hereby further charge and command all customers and collectors of our customes, comptrolers, farmers, and their deputies, that after the twentieth day of Aprill next they take no entrie nor receive any custome or subsidy of any gold and silver threed, or for copper-gold or silver threed, to bee imported from the parts beyond the seas into this our realme of England, or the dominions thereof; and for the better execution of this our present will and commandement, wee doe straitly charge and command all justices of peace, maiors, bayliffes, sheriffes, constables, headborowes, tithingmen, and all other our officers, ministers, and loving subjects, to whom it shall or may appertaine from time to time, to be aiding and assisting to all such person and persons as wee shall lawfully from time to time authorize for the searching, seazing, taking, or carrying away of all such gold or silver threed, and copper-gold and silver threed, imported, wrought, or made within this our realme and dominions, contrary to our pleasure herein expressed.

Given at Whitehall the two and twentieth day of March, in the fifteenth yeere of our reigne of England, France, and Ireland, and of Scotland the one and fiftieth.

GOD SAVE THE KING !

Yelverton afterwards declared that, in giving his assent to this arrangement, he was actuated by a belief that the patent was a grievance, and that it would be more easily withdrawn if it were in the King's hands. If this were not a mere afterthought, there is no reason to suppose that his ideas were shared by Bacon; for though, at first sight, it seems a strong measure to bring the King's authority specially to bear upon a petty manufacture, it must not be forgotten that to him and to his contemporaries a trade in gold and silver stood upon a peculiar footing.

To us a dealer in the precious metals is no more than a dealer in iron or cotton. To the men of the time of James I. he was a dealer in the very wealth of the country itself. To allow gold and silver to be tampered with by artizans who were under no supervision, was to authorise the most unblushing robbery of the commonwealth. The patentees had offered to meet the difficulty. They had engaged to import £5000 worth of bullion every year, and the King's agents would of course take up the engagements of the patentees. If wealth was to be frittered away in adorning the dress of fine ladies and fine gentlemen, it should be the wealth of Spaniards and Frenchmen, and not the wealth of Englishmen. Such arguments sound strange enough to us, but it is hopeless to expect to arrive at truth if we do not take them into consideration when dealing with the statesmen of the seventeenth century. If any one doubts how far they influenced Bacon, he may be called upon to remember the active part taken by him in the prosecution of the Dutch merchants in 1619 for the exportation of coin.

In the Act of Henry VII. he had found the weapon that he needed. The goldsmiths had urged that they had made gold thread before Dike and Fowle. The reply of the Government was, that if this was the case, they had broken the law.

On the 6th of April, 1618, Dike and Fowle surrendered their patent.^a On the 11th, fresh patents were granted, prohibiting "that no person or persons should import gold or silver thred; and in them the sole benefit to be raised by the sole making and selling hereof is given to the said Fowles from thenceforth till the feast of St. Michael in the 19th year of His Ma^{ty}, without anie account; and the said Fowles, his executors, agents, servants, and assignees are, for this great service, exempt and freed from all offices, publique or private, to the Kinge or commonwealth."^b On the 22nd the following commission^c was issued for the discovery and punishment of offenders:—

James, by the Grace of God, King of England, Scotland, France, and Ireland, defendor of the faith, &c. To our trusty and right welbeloved counsellor Sir Frauncis Bacon, Knight, Lord Chauncellor of England; and to our right trusty and right welbeloved cosen and counsellor Thomas, Earle of Suffolke, our Treasurer of England; and to our trusty and right welbeloved counsellors, Sir Thomas Lake, Knight, Sir Robert Naunton, Knight, our Principall Secretaries; and to our trusty and welbeloved Sir Henry Mountague, Knight, Chief Justice of the Pleas before us to be

^a Close Rolls, 16 Jac. I. part 15.

^b Commons' charge against Mompesson. House of Lords MSS. The patent was never enrolled, and is therefore not to be found in the usual place.

^c Patent Rolls, 16 Jac. I. part 12.

holden assigned, Sir Henry Yelverton, Knight, our Attorney-Generall, Sir Thomas Coventrie, Knight, our Solicitor-Generall, and Sir Allen Appesley, Knight, Lieutenant of our Tower of London, and Francis Michell and Henry Twedy, Esquiers, greetinge, knowe ye that we, trustinge in your fidelities, industry, and provident care in our affaires, have assigned and appoynted you to be our Comissioners, and by these presentes doe give unto you, or any twoe or more of you, full power and authority by these presentes to examine, enquire, and fynde out as well by the oathe, examynacions, and deposicions of credible persons, as by all other lawfull wayes and meanes whatsoever, according to your wisdomes and good discrecions, all such quantities of gould and silver thredd and copper gould and silver thredd as shalbe imported and brought from any forrayne partes beyond the seas into this our realme of England, or the domynions thereof, by any person or persons, after the twentieth day of Aprill last, contrary to the tenor and effect of our proclamacion in that behalfe lately published and declared, and by whome the aforesaid gould and silver thredd, and copper gould and silver thredd, or any quantity or parcell thereof, was or shalbe imported into our said realme or the domynions thereof. And alsoe to examyne aswell every or any the officer or officers of our customes and subsidies, and every or any the officers of or farmors of our customs and subsidies, and every or any of their deputies, or the deputies of any of them, within every port and creeke of our said realme of England and domynions thereof, as every or any silkeman, silkeweaver, or goldweaver, and all or any other person or persons whatsoever, upon their corporall oathes or otherwise, of such quantities or parcell of gould and silver thredd, or copper gould and silver thredd, as is or shall be brought into this our realme or the domynions thereof since the said twentieth day of Aprill, and from what place or places in the said forrayne partes and partes beyond the seas such gould or silver thredd, or copper gould or silver thredd, shalbe imported and brought, and in what portes and creeks respectively the same was or shalbe unshippt or landed, and in what shippes or vessels, shipp or vessell, it was or shalbe soe imported or brought, and by what marchantes or marchant and other persons it was or shalbe so imported and brought, and of the names aswell of the marchantes and factors as of the maisters and marryners of the shippes, and of the names of the shippes and vesselles, by whome and in which the said gould and silver thredd, or copper gould and silver thredd, was or shalbe soe imported and brought into our said realme, or the dominions thereof, after the tyme before mentioned; and of the severall prizes or value of the said gould and silver thredd and copper gould and silver thredd soe imported and brought, or that shalbe imported and brought; and where the said marchants, factors, masters of shippes, and marryners doe or shall respectively dwell and abide; and to whose handes the said gould and silver thredd or copper gould and silver thredd soe imported and brought, or that shalbe imported and brought, did or shall afterwarde come, and in whose handes it doth or shalbe or remayne, and how and to what use it was afterwards ymployed; and alsoe to enquire, finde out, examyne, and discover if any person or persons doe or shall make, or presume or attempt to make or spyn any gould or silver thredd, or copper gould or silver thredd, or drawe or flatt any gould or silver wyer, or copper gould or silver wyer, for makeinge of the said thredd; or shall erect, make, or amend any mill, frame, engyne, toole, or devise whatsoever for the makeinge of the said gould or silver thredd, or copper gould and silver thredd; and yf any silkeman or others doe or shall throwe any silke for the making thereof, or doe or shall buy, utter, or sell any of the said thredd; and yf any goldsmith or fyner, or any of them, or by their meanes

within our said realme, or the domynions thereof, doe or shall prepare or disgrosse any gould or silver, and the same utter or sell to any person or persons whatsoever for the makeinge of the said thredd, contrary to the tenor and effect of our said proclamacion; and alsoe to enquire of all other articles, matters, and circumstances any waies tendinge to the searchinge and finding out of the truth and certaynety of the premisses soe much concerninge our service and benefitt. And therefore we will and require you, or any twoe or more of you, at fitte and meete daies and tymes, to attend on the performance of this our service. And that you, or any twoe or more of you, having convented or brought before you any person or persons offendinge, or suspected by you to offend in the premisses, contrary to the purport and true meaninge of our said proclamacion, shall take and use such present order and meanes for the punishment and restraynt of him or them soe found offendinge in the premisses, by imprisonment or otherwise, as to you or any twoe or more of you shall seeme meete and convenient. And further, that you or any twoe or more of you shall doe and execute from tyme to tyme all such actes, matters, and thinges as shall tend to the advancement of our service herein, and whereby such our agent or agentes as are or shalbe by us appoynted and assigned for the makeinge of the said gould and silver thredd, and copper gould and silver thredd, may have and enjoy the sole practize and exercise of the saide manufacture for us, and for our best benefitt and profit, accordinge to the tenor of our said proclamacion. And these presentes or th'inrollment thereof shalbe from tyme to tyme to you and every of you a sufficient warrant and discharge for the doeing, performyng, and executinge of the premisses. In witnes whereof, &c. Witnes our selfe at Westminster, the twoe and twentieth day of Aprill.

PER IPSUM REGEM.

The first act of the new Commissioners was to sign the following warrant dormant, to authorise their officers to search for gold and silver thread:^a

After our verie heartie comendacions. Whereas our soveraigne Lord the King's Ma^{tie} hath taken into his owne hands the manufacture of makeinge gold and silver thredd, and of copper gold and silver thredd, and prohibited all persons (save onlie such as his Ma^{tie} hath in that behalfe specially appointed) eyther to ymport the same from anie forraine parts, or anie waies to intermeddle in the workeinge or makeinge thereof within this his Ma^{ties} realme of England and dominions thereof, as by his highnes proclamacion and royall prohibicion latelie made and published more at large maie appeare: Now, forasmuch as wee are given to understand that divers parsons, aswell strangers borne as others, dailie import great quantities of that commoditie, and secretlie worke and intermeddle in that manufacture within this kingdome, in high contempte of his Ma^{tie} said proclamacion and prohibicion, made and published as aforesaid, Theise are therefore to will and require you, and in his Ma^{ties} name straightlie to charge and command you, and everie of you, ymmediatlie uppon the sight hereof to be aideinge and assistinge unto this bearer, to make diligent search in all such places within your liberties and jurisdictions, as this bearer shall in anie wise suspect. And also to aide and assist this bearer to attache and arrest the bodies of all such parsons as he or you shall finde, knowe, or suspect to worke or anie waies intermeddle in the said manufacture contrarie to the tenor of the said proclamacion, soe that the bearer hereof maie

^a House of Lords MSS.

bringe their bodies in his companie before us, or some of us, in all convenient speed; and if anie parson or parsons offendinge or suspected to offend, or anie other parson whatsoever, shall uppon the sight hereof refuse, contradict, or denie the bearer hereof to search in anie of their houses or ells where, or to execute anie other matter or thinge contained in this our warrant, or shall anie waies hinder the present execution hereof by anie delaies, excuses, or other means whatsoever; then it shall and maie be lawfull, by vertue of these presents (callinge sufficient aide to assist you or otherwise) to enter into all such suspected houses or places, and there to search, and doe what in your discrecions you shall thinke lawfull and meete. And also to attach the bodies of all such persons as shall anie waies hinder or delaie the present execution hereof, to thend the bearer hereof maie bringe their bodies before us or some of us, there to answer to such matters touchinge their contempt as shalbe objected against them. And these are further to will and require you to be aideinge and assistinge unto this bearer to sequester and take from the said persons soe offendinge, or suspected to offend, all such gold and silver thredd, and copper gold and silver thredd, as you shall finde in their or anie of their possessions, and all instruments, mills, tooles, engines, and materialls by them used therein, soe that he maie keepe the same in his safe custodie untill wee shall give order to the contrarie; and this shalbe your warrant in that behalfe. And hereof faile you not, as you will answer the contrary.

To all maiors, aldermen, sheriffs, justices of peace, bailiffs, constables, headboroughes, and other officers to whome it maie in anie wise appertaine.

FR. BACON, *Canc.*

T. SUFFOLKE.

THO. LAKE.

ROBERT NAUNTON.

H. YELVERTON.

THOMAS COVENTRYE.

ALLEN APSLEY.

FRA. MICHELL.

HENRY TWEEDY.^a

The powers thus conferred were immediately put forth by Michell and Tweedy, who practically represented the Commissioners. From Thomas Ledsham, 7 May, 16 of the King, "they took a mill;" from [Robert] Patrickson, May, 16 Jac. "all his silver made up in wyer, a flatting mill and other tools," and 17 June, "silver thred to the value of eight pounds;" from John Wakeland, a mill; from Michell Seller, gold and silver thred; from Samuell Buckley, certayne ounces of gold thred; from Nicholas Carewe, the pike; . . . "7 Maii, 16 Jac. Thomas Ledsham was gotten to Fowles his howse, and there kept eight howers, and in the meane tyme they searcht his house, and Sir Francis Michell and Henrie Twedy committed him to Newgate, where he remained a moneth." . . . In "May 1618, Robert Patrickson and three of his servantes were imprisoned by the said Sir

^a It will be observed that Montague's signature is absent. For this he afterwards got some credit. Yelverton's account is, that "My Lord Chief Justice refused itt, because of granting *habeas corpus*," that is to say, I suppose, because the question involved might come before him judicially. Notes of Yelverton's speech, House of Lords MSS.

Francis Michell and Henry Twedy, two of them in Newgate, and two in Finsbury, where they all laid seaventeen dayes." . . In " May 1618, More, Simondes, Underhill, Wakeland, Mason, Whiting, and Sandes, were committed by Sir Frauncis Michell and Twedy, where they lay six dayes; and after they and some others were discharged, Sir Frauncis Michell and Twedy sent for their warrants of *mittimus* for their severall committmentes from of the file."^a

Yet it was soon found that the competition was too strong to be repressed even by such measures as these. Fowle again appealed to the King for help. On the 20th of August Buckingham wrote to the Chancellor the following letter :—^b

" Whereas it hath pleased his Majesty to recommend unto your consideration a petition exhibited by Mr. Fowle, together with the grievances and request for the rectifying of the worke of gold and silver thread : and now understandeth that your Lordship hath called unto you the other commissioners in that case, and spent some time to hear what the opposers could object, and perceiveth by a relation of a good entrance you have made into the business : and is now informed that there remaineth great store of gold and silver thread in the merchants' hands, brought from foreign parts, besides that which is brought in daily by stealth, and wrought here by underhand workers ; so that the agents want vent, with which inconveniences it seemeth the ordinary course of law cannot so well meet ; and yet they are inforced, for freeing of clamour, to set great numbers of people on worke ; so that the commodity lying dead in their hands, will in a very short time grow to a very great sum of money. To the end therefore that the undertakers may not be disheartened by these wrongs and losses, his Majesty hath commanded me to write unto your Lordship to the end you might bestow more time this vacation in prosecuting the course you have so worthily begun, that all differences being reconciled, the defects of the commission may be also amended for prevention of farther abuses therein ; so as the agents may receive encouragement to go on quietly in the worke without disturbance."

Again, on the 4th of October, Buckingham wrote thus :—^c

" His Majesty is desirous to be satisfied of the fitness and conveniency of the gold and silver thread business ; as also of the profit that shall any way accrue unto him thereby. Wherefore his pleasure is that you shall, with all convenient speed, call unto you the Lord Chief Justice of the King's Bench, the Attorney-general, and the Solicitor, and consider with them of every of the said particulars, and return them to his Majesty, that thereupon he may resolve what present course to take for the advancement of the execution thereof."

The result was the following certificate,^d to which, for some reason or other, Coventry's name is not appended :—

^a Commons' charge against Mompesson. House of Lords MSS.

^b Buckingham to Bacon, August 20, 1618. Bacon's Works, ed. Montagu, xii. 355.

^c Ibid. October 4, 1618. Bacon's Works, ed. Montagu, xii. 357.

^d Bacon's Works, ed. Montagu, xiii. 16.

May it please your most excellent Majesty, according to your Majesty's pleasure signified to us by the Lord Marquis Buckingham, we have considered of the fitness and conveniency of the gold and silver thread business, as also the profit that may accrue unto your Majesty.

We are all of opinion that it is convenient that the same should be settled, having been brought hither at the great charge of your Majesty's now agents, and being a means to set many of your poor subjects on work; and to this purpose there was a former certificate to your Majesty from some of us with others.

And for the profit that will arise, we see no cause to doubt; but do conceive apparent likelihood that it will redound much to your Majesty's profit, which we esteem may be at the least ten thousand pounds by the year; and therefore, in a business of such benefit to your Majesty, it were good it were settled with all convenient speed, by all lawful means that may be thought of; which notwithstanding, we most humbly leave to your Majesty's highest wisdom,

Your Majesty's most humble and faithful servants,

FR. VERULAM, *Canc.*

H. MONTAGUE.

HENRY YELVERTON.

Upon this certificate a fresh commission was issued on the 20th of October.*

James, by the Grace of God, King of England, Scotland, France, and Ireland, defender of the faith, &c. To our trustie and right welbeloved Councillor, Francis, Lord Verulam, Lord Chancellor of England, and to our trustie and right welbeloved Councillors, Sir Thomas Lake, Knight, Sir Robert Naunton, Knight, our principall Secretaries, and to our trustie and welbeloved Sir Henrie Montague, Knight, Cheife Justice of the Pleas before us to be houlden assigned, Sir Henrie Yelverton, Knight, our Attorney-Generall; Sir Thomas Coventrie, Knight, our Solicitor-Generall; Sir Allene Apsley, Knight, Leiftenant of our Tower of London; Sir Gyles Mompesson, Knight; Sir John Keyes, Knight; Sir Saunder Doncome, Knight; Richard Cartright, Robert Garsett, Francis Michell, Henrie Twedie, Esquiers; Mathew Stocker and John Waynwright, gentlemen, greeting. Knowe yee that wee trusting on your fidelities, industrie, and prudent care and circumspection in our affaires, have assigned and appointed you to be our Comissioners. And by these presentes doe give unto you, or any twoe or more of you, full power and authoritie, as well within liberties as without, to examine, enquire, and finde out, aswell by the oath, examinations, and depositions of all and everie person and persons whatsoever, as by all other lawfull waies and meanes whatsoever, according to your wisdomes and good discretions, all such quantities of gould or silver thread, or copper gould and silver thread, as sithence the twentieth day of Aprill, in the sixteene yeare of our raigne of England, hath bene or hereafter shalbe imported and brought from any foraigne part beyond the seas into this our realme of England, or the dominions thereof, by any person or persons, contrarie to the tenor and effecte of our proclamacion in that behalfe latelie published and declared; and by whome the aforesaid gould or silver thread, or copper gould or silver thread, or any quantitie or parcell thereof, was or shalbe imported into our said realme or the

* Patent Rolls, 16 Jac. I. part 16.

dominions thereof; and alsoe to examine upon oath aswell everie or anye the officer or officers of our customes and subsidies, and everie or anye the officers of our farmers of customes and subsidies, and everie or anye of their deputies, or the deputies of any of them, within everie port and creeke of our saide realme of England and dominions thereof; and everie or any silkman, silkweaver, gouldweaver, or goldsmith, and all or anie other person or persons whatsoever, upon their corporall oathes or otherwise, of such quantities or parcells of gould and silver thread, or copper gould or silver thread, as since the said twentieth day of Aprill hath bene or hereafter shalbe brought into this our realme, and from what place or places in the said forraigne partes and partes beyond the seas such gould and silver thread, or copper gould or silver thread, hath bene or shalbe imported and brought and in what portes and creekes respectively the same was or shalbe unshipt and landed, and in what shippes or vesselles, shipp or vessel, it was or shalbe soe imported or brought, or by what marchaunt or merchants, or other person, it was or shalbe soe imported and brought, and of the names aswell of the merchauntes and factors as of the maisters and marriners of the ships and of the names of the ships and vesselles by whome and in which the said gould and silver thread, or copper gould and silver thread, was or shalbe soe imported into our said realme or the dominions thereof, after the tyme before-mentioned, and of the severall prizes and value of the said gould and silver thread and copper gould and silver thread soe imported and brought, or that shalbe imported and brought; and where the said merchauntes, factors, maisters of shippes, and marriners doe or shall respectively dwell and abide; and to whose handes the said gould and silver thread, or copper gould and silver thread, soe imported and brought, or that shalbe imported or brought, did or shall afterwarde come, and in whose handes it doth or shalbe or remaine, and how and to what use it was or shalbe afterwarde employed. And alsoe to examine, enquire, and find out uppon oath all and every person and persons other then those that shalbe charged as delinquents, for soe much onely as concerneth themselves and their owne trespasses and contemptes, and by all other lawful waies and meanes whatsoever, if any person or persons have, hath, or shall make, or presume or attempt to make, or shall be suspected to make or spinn any gould or silver thread, or copper gould or silver thread, or drawe or flatt, or cause to be drawn or flatted, any gould or silver wyer, or copper gould or silver wyer, for the making of the said thread, or shall erecte, make, or amend any mill, frame, engine, toole, or devise whatsoever, for the making of the said gould or silver thread, or copper gould or silver thread; and if any silkman or others doe or shall throwe any silke for the making thereof, or if any silkman, goldweaver, or silkweaver, or their or any of their servantes or agentes, or any other whatsoever, have made, bought, or sould any gould or silver thread, or copper gould or silver thread, and of the quantitie thereof, and of whome the same was bought since the said twentieth day of Aprill last, or if they or any of them doe or shall directlie or indirectly buy, utter, sell, or make any of the said thread, wrought or unwrought, into lace or otherwise; and if any goldsmith or goldsmithes, fynor or fynors, or any of them, or any other by their meanes or privitie, or any other whatsoever by us not specially thereunto authorised within our said realme or the dominions thereof, doe or shall provide, prepare, or disgrosse any gould or silver, and the same utter or sell to any person or persons whatsoever for the making of the said thread, contrarie to the tenor and effecte of our proclamacion and statute therein recited. And alsoe to enquire of all other articles, matters, and circumstances any waies tending to the searching and finding out of the truth and

certentie of the premises soe much concerning our service and benefitt. And therefore wee will and require you, or any twoe or more of you, at fitt and meet dayes and tymes, to attend on the performance of this our service, and that you, or any twoe or more of you, having convented or brought before you or any person or persons offending or suspected by you to offend in the premises, contrarie to the purport and true meaning of our said proclamacion, shall take and use such present meanes and order for the punishment and restraint of him or them soe found offending in the premises as to you, or any twoe or more of you, shall seeme meete and convenient. And further that you, or any twoe or more of you, shall doe and execute from tyme to tyme, all such actes, matters and thinges as shall tend to the advancement of our service herein, and whereby such our agent or agentes as are or shalbe by us appointed and assigned for the making of the said gold and silver thread, and copper gold and silver thread, may have and enjoy the sole practise and exercise of the said manufacture, for us and for our best benefitt and profit, according to the tenor of our said proclamacion. And theise presentes, or the enrollment thereof, shalbe from tyme to tyme, to you and everie of you as aforesaid, a sufficient warrant and discharge for the doeing, performing, and executing of the premises, and that whatsoever to the orders and comaundement of you, or any twoe or more of you, in the execution of the premises, shall be disobeying, contrariant, or resisting, to chastice, correcte, and punishe, accordinge to your discrecions. And we doe commaund and require our attorney generall, uppon notice of anye contemptes or offence committed or done against our said proclamacion or Acte of Parliament therein mencioned, to informe againste the offenders therein that shall not submitt themselves to the order and direction of you or any twoe or more of you, our said Commissioners, in our Court of Starr Chamber. In wittnes whereof, &c. Wittnes our selfe, att Westminster, the twentieth day of October.

PER IPSUM REGEM.

Yelverton was not long in acting upon the authority thus conveyed to him. On the 7th of November he "informed in the Starre Chamber agaynst many silkemen and woorkemen. They justifie for an auncient trade."^a There was also a cross bill against Fowle and others. The question of law involved was referred to Montague. The suit, however, was not proceeded with. As a charge was afterwards brought against Michell, that he "tooke four 22s. pieces of dyvers partyes in that sute in the Starre Chamber to procure there favoure,"^b it may be concluded that the proceedings were stopped upon the submission of the defendants.

At the commission the presence of Mompesson, whose name now appears on the list for the first time, imparted fresh vigour to the proceedings. In the spring of 1619 there were fresh imprisonments; houses were again broken into, and tools and engines seized.

^a Notes of Yelverton's case. House of Lords MSS.

^b Serjeant Crew's brief. House of Lords MSS.

It was at this time that a new plan was suggested in a letter from the King.^a The goldsmiths and the silkmen, it was thought, might be required to enter into bonds not to sell their wares to unlicensed persons. Bacon and Montague^b were consulted with, and approved the course proposed. Accordingly, we hear that "Sir Gyles and Mitchell, before the proclamacion of 10th Octobris, 17 Jac. (which might warrant a bonde), injoynd dyvers to enter bonds for restraint of their free trades; and uppon their refusall to enter such bonds, gave many threats; and beinge required to shewe by what authoritie he required those bonds, acknowledged he had noe warrant for yt, but, yf perswasions awayed not, he would effect yt by a stronge hande, and uppon their refusall would fill all the prisons about London. . . . He committed dyvers for refusinge to enter bonde, or to forbear trade, before the proclamacion aforesaid, viz'. in or about June before."^c

Another account carries the story on as follows:—"Acton, Paske, Grove, Eldred, and Page, five silkmen, were committed onely for refusing to seale the bond tendred to the silkemen; the manner whereof was thus:—First, Sir Giles Mompesson threatened them for not sealing the bond, and told them yf they refused to seale, all the prisons in London should be filled, and thousandes should rott in prison, and a heavier hand should bee uppon them. Shortlie after which Sir Henrie Yelverton confessed that Sir Edward Villiers pressed him now to helpe him; that the buysiness lay a bleeding, and that he must now helpe him, or else all was lost. Whereuppon, the silkemen refusing to seale the bond, he committed them to the Fleete, but wrote by Sir Edward Villiers to the Lord Chancellor that, except my Lord Chancellor would confirme the committment, he would instantly release them. And he said the Lord Chancellor did confirme yt, and that they were after heard by counsell before the Lord Chauncellor, who did remaund them to prison, where they remayned till, uppon the petition of the cittie to the Kinge,^d his Ma^{ty} instantlie released them, affirming that he would not governe his subjectes by bondes. They showed also that foure Aldremen of London offered to be baile for them in 100,000^l, but Sir Henry Yelverton refused to take any such baile, and that he confesseth that when they were in prison they petitioned to him, but

^a Notes of Yelverton's case. House of Lords MSS.

^b In the report of Yelverton's statement in Proceedings and Debates, i. 138, it is said that the bond was referred to Montague and Hobart.

^c Offences of Sir G. Mompesson. House of Lords MSS.

^d Five weeks after the committal of the prisoners, that is to say in July or August, 1619. Commons Journals, i. 541.

he gave them no answer, nor durst for feare of Sir Edward Villiers and Sir Giles Mompesson."^a

James's language about the bonds was merely the result of momentary good nature. It was not the commencement of any change of policy. On the 10th of October the following proclamation^b was issued, authorising the continuance of the system:—

BY THE KING.

A Proclamation for the better setting of his Majesties manufacture of Gold and Silver Thread within this his Realme.

Whereas the art or mysterie of making gold and silver thread (a commoditie of continuall use in this our kingdome of England) hath formerly been used and made by strangers in foreigne parts only, and from thence transported into this our realme, but of late hath beene practised by some of our loving subjects, who by their great charge and industrie have so well profited therein, and attained to such perfection in that arte, that they equall the strangers in the skilfull making thereof, and are able by the labours of our owne people to make such store as shall be sufficient to furnish the expence of this whole kingdome. And whereas we, esteeming it a principall part of our office as a King and Sovereigne Prince, to cherish and encourage the knowledge and invention of good and profitable arts and mysteries, and to make them frequent amongst our owne people, especially such wherein our people may employ their labours comfortably and profitably, and many thereby may be kept from idlenesse, hereby to preserve and increase the honour and wealth of our state and people. And finding that the exercising of this arte or mysterie (considering the continuall use of bullion to be spent in the manufacture thereof) is a matter of great importance, and therefore fitter for our own immediate care then to be trusted into the hands of any private persons, for that the consumption or preservation of bullion, wherof our coynes (the sinewes and strength of our state) are made, is a matter of so high consequence, as it is onely proper for oure selfe to take care and account of; We have heretofore, to the good liking of the inventors thereof, taken the said manufacture of gold and

^a Commons' charge against Mompesson. House of Lords MSS. The King's speech about not governing his subjects by bond was made much of in the House of Commons. The way the story was there told leaves the impression that it put a stop to all further demand for bonds. I have been led to place the saying in July or August 1619, before the second proclamation, by the evident reference of the two quotations which I have given to the same affair; the words ascribed to Mompesson about filling the prisons being the same in both. Besides there is an allusion to this petition of the Aldermen in a statement relating to the drawing up of the proclamation. The King, we are told, "remembered a difference between the city and the patentees. And the Solicitor now, and then Recorder" [*i.e.* Sir R. Heath], "added; who had his hand in, if drew not the proclamation." Commons Journals, i. 538.

Nor would the difficulty be got over by placing the scene after the proclamation. For, as will be seen, bonds continued to be taken long after Yelverton had ceased to be Attorney-General.

^b State Papers, Domestic, clxxxvii. 71.

silver threed into our owne hands, and so purpose to retaine and continue it, to be exercised only by agents for ourselves, who shall from time to time be accomptable to us for the same. And whereas, for the better perfecting of so royall a worke, by our proclamation, dated the two and twentieth day of March in the fifteenth yeere of our raigne of England, wee did utterly prohibite the importation of all forraine gold and silver threed made in any the parts beyond the seas, and the use of any other gold or silver threed then such as should from time to time be sealed with a seale to be to that purpose appointed, thereby to discover all false, counterfeit, and prohibited stuffe, whereby either our loving subjects might be abused, or ourselves deluded, as by the same proclamation appeareth; which wee will and command, and our expresse pleasure is, shall in all things be firmly observed and kept, according to the purport and true meaning thereof, and of our royall intent and pleasure therein expressed.

Now, forasmuch as wee find that, notwithstanding our proclamation, many have adventured secretly and by stealth to import gold and silver threed from forraine parts, and many others to make the same within this realme (not being thereunto allowed by us, or our agents), and to utter the same to divers of our loving subjects, not being sealed with the seale to that purpose appointed, whereby wee finde that our owne agents and workemen imployed about the said manufacture are discouraged, and much false and counterfeit stuffe is vented, to the great deceit of our subjects, scandall of the work, and our owne proper losse, and yet the offenders therein cannot easily be discovered, whereby they might be punished according to their demerits; for that the silkemen and silkeweavers, and others, who buy and use the said gould and silver threed, are unwilling to discover such offenders, and (as we have cause to feare) doe rather encourage them in their offence, in contempt of us and our proceedings. To the end therefore that this our worke, which we have appropriated to our selfe, may prosper in our hands, and neither our agents be discouraged, nor the worke discountenanced by the making, working, or uttering any false, counterfeit, or prohibited stuffe, and that those whom we have trusted and imployed therein may also performe their duties justly and faithfully, without just grievance or offence to any of our loving subjectes, we doe hereby straightly charge and command, that all silkemen, silkeweavers, and all and every person and persons, who now use or hereafter shall use the arte, mysterie, trade, or occupation of making, working, selling, or uttering of any lace, buttons, or any other thing or things whatsoever, in all or in part wrought of or with gold or silver threed, or of or with copper gold or silver threed, shall from time to time take and keepe a true, just, and exact accompt in writing, of all the names, professions, and habitations of all and every person and persons, of whom they or any of them shall from time to time buy or receive any gold or silver threed, or copper gold or silver threed, or anything wrought or made in all or in part therewith, with the time and times and severall quantities when and what they so bought or received the same; which said account they and every of them shall once a month deliver unto a register, to bee for that purpose appointed by some of our commissioners for the said manufacture, that so the offenders against our former and this present proclamation may be the better discovered, and their offences severely punished, as being a high contempt against us and our prerogative royall: For the due performance whereof, and to prevent the inconveniences that may ensue, our will and pleasure is, and wee doe hereby straitly charge and command, that all and every the persons aforesaid shall enter into bond of one hundred

or two hundred pounds apiece, and not above (as shalbe thought fitt by our Commissioners appointed for the said manufacture now, or that hereafter shalbe, or any two of them), to our Attorney-Generall for the time being, in trust for us ; with condition to performe all and every the particulars in the former clause expressed and commanded, upon the paines hereafter limited, which we will shall be severely inflicted on them.

And further, We will and command that no fynor or fynors of gold or silver shal at any time or times hereafter melt, disgrosse, or sell, or cause to be molten, disgrossed, or sold, any refined gold or silver to any person or persons whatsoever (other then to our agent and undertakers for our said manufacture), untill he or they shall have first entred into bond to us of one hundred pounds, or more, before our said commissioners, or any two of them, to our use, to melt none of our coines for the making of refined gold or silver, and from time to time to give a true accompt in writing of all the names, professions, and habitations of every such person and persons as shall, from time to time, buy or have any refined gold or silver of him or them, and of the true quantity and quantities of all and every such parcell and parcells as he or they shall from time to time utter, sell, or deliver. For all which said bonds so to be entered into respectively we are nevertheless pleased that no fee or allowance shalbe required or taken, nor that the same bond shalbe sent or delivered into our Exchequer, nor otherwise put in suit, but upon apparent breach thereof first appearing to our Commissioners aforesaid, or any two of them, or to our Attorney-Generall for the time being ; and that at the end of every sixe moneths the same bond respectively shalbe delivered up to the party bound, to be cancelled, if in the meane time no breach thereof shall appeare to have bin made as aforesaid, and then a new bond to be entred into by him or her respectively to the same effect, to continue likewise for another six moneths, and so for every sixe moneths, as long as this or our former proclamation shall remaine in force ; or that our pleasure shalbe further signified to the contrary. Likewise, our pleasure is that, if any of our saide loving subjects shall casually or unawares, without any wilfull or obstinate contempt, fall into the breach of any such bond, that our Chancellor of England, or Keeper of our Great Seale, for the time being, shall, upon a petition to him exhibited, and in a summary course, have power to order and moderate the same, as he in his wisdom shall thinke fitt. And also we wil and command that no gold-drawer, or other person or persons whatsoever, shal at any time hereafter, during this or our said former proclamation, draw, flat, or use any refined gold or silver, for the making of cloth of gold, or cloth of silver, without the speciall licence of two of our said commissioners, under their hands in writing first had and obtained, upon paine of forfeiture of all such gold or silver as shalbe wrought contrary to this our royall will and commandement ; and upon paine of our high indignation and displeasure, and such other paines and punishments as in like cases are usuall.

And our further will and pleasure is, and hereby wee doe give full power and authority unto our said commissioners, or any two or more of them, and to all and every such person and persons as our said commissioners, or any two or more of them, shall by warrant or writing under their hands nominate or appoint, from time to time and at all times convenient, at their pleasure, in peaceable maner (taking with them a constable or other fitt officer, and giving notice to the owner or possessor, or his or their servant or servants, of their purpose in that behalfe, to the end they may if they will accompany them), to enter into all and all manner of shoppes, cellers, worke-houses, ware-houses, store-houses, or other roomes or places whatsoever, by them suspected, within

our saide realme of England or the dominions thereof, as well in cities, townes corporate, and places priviledged, as elsewhere. And likewise to enter into any ship, bote, or other vessell whatsoever, riding at ancre, or otherwise abiding in any port, haven, or creeke of our said realme, and dominions thereof, for the searching and finding out of all such offences, of what nature soever, as shall be committed contrary unto this or our sayd former proclamation. And likewise to seaze and take into their hands unto our use all such gold and silver threed, and copper gold and silver threed, and gold and silver wyer imported, or that shall be imported into this our realme wrought or made, or that shall be wrought, made, drawne, or flatted within this realme, other then by our agents and undertakers, their deputies and assignes, touching the said manufacture. And further our pleasure is, that whatsoever threed wrought or unwrought, as aforesaid, or wyer, shall be so seized to our use as aforesaid, shall forthwith upon the seizure thereof be inventoried in writing, subscribed by all such persons as shall be present at any such seizure, and shall with all convenient speed be brought unto our said commissioners, now and for the time being, or any two of them, to be disposed of, as we shall thinke fit and direct from time to time. And for the better accomplishment of our service herein, we doe hereby straightly charge and command all maiors, sheriffes, justices of the peace, constables, comptrollers, searchers, waiters, and all and every other our officers, or ministers and subjects whatsoever, That they and every of them be from time to time assisting, aiding, and helping unto our said commissioners, and such as they, or any two of them, shall authorize in that behalfe, in and by all things in the due execution and performance of the premisses, according to our true meaning herein declared, as they tender our pleasure, and will answere the contrary at their utmost perils. And further, we will and declare our royall pleasure and commandement to be, that if any person or persons shall withstand or refuse to obey this our proclamation, in all or any part thereof, upon complaint and prooffe thereof had and made in that behalfe, before our commissioners, or any two or more of them, that now be or hereafter shall be for the said manufacture, or before our Attorney-Generall for the time being, that they take order to punish any such person so offending, as a contemner of our royall will and commandement, by imprisonment or otherwise, as shall and may stand with the justice of this our realme. And we further hereby declare our intent and pleasure to be, that if any agent, workeman, or other person or persons whatsoever employed by us, or our said commissioners, now or at any time hereafter, in or about the said manufacture, or anything thereunto belonging, or in or about any search to be made as aforesaid, shall in any thing falsifie the trust by us or our said commissioners committed to him or them, to the just offence or grievance of any of our loving subjects, that our eares shall be ever open to any just complaint to be made thereof: and that every person who shall wilfully or corruptly offend by colour of any authoritie or imployment, given or derived from us, any way touching or concerning the said worke, shall be severely punished for the same, according to the quality of his or their offence.

Given at Roystone, the tenth day of October, in the seventeenth yeere of our reign of England, France, and Ireland, and of Scotland the three and fiftieth.

GOD SAVE THE KING!

The system thus formally authorised was rigorously carried out. Unsealed packets of thread were seized in every direction. Bonds were forced upon the

unwilling silkmen.^a It was all in vain. The manufacture did not pay. The bullion which was to have been imported was not imported. The coin of the realm was melted down. On the 5th of April, 1620, a fresh patent was granted to Dyke, Bennett, and Salter,^b allowing them to take the custom upon such parcels of gold and silver thread as might be imported by special license; from which it would seem that the manufacture failed to meet the demand.

If we set aside the actions of Mompesson and Michell,^c in which they exceeded their powers, as not affecting Bacon in any way, we shall see that there are three points on which we should be ready to join issue with the Government in their dealing with the manufacture. We should hold that it was wrong for the Crown to draw profit from any manufacture at all; that it was wrong to grant a monopoly which covered anything more than the actual new invention, most strictly defined; and that it was wrong to take the jurisdiction over the monopoly after it was conceded from the ordinary courts, and to give it to a Royal Commission.

The question before us here, however, is not whether our modern ideas on these points are right or wrong, but whether there is reason to suppose that Bacon did not honestly come to a different conclusion from that which has since been unanimously adopted.

With respect to the first, part of the profit expected was derived from an equivalent for the customs lost by restriction of importation. The duty upon foreign gold and silver thread had been 3*s.* 4*d.* a pound, and this custom had been farmed in the early part of the reign for £200 a-year. The 3*s.* 4*d.* was now imposed upon all the gold and silver thread manufactured in England, and it was probably hoped that the sum raised would far exceed that which had been obtained by the import duty. Still, however, this would go a very little way towards the £10,000 which the King was promised as the annual profit of the manufacture. Of this, all that can be said is, that Bacon knew nothing about political economy; that he cared very much about the royal finances; and that if he saw that there were any sufficient object to be obtained, he would not think it any harm to divert the profits of a trade from the purses of a few goldsmiths to the Exchequer. For, after all, it must be remembered that it was not the poor workman who, in

^a Amongst the MSS. of the House of Lords, is a list of bonds redelivered in 1624. They are thirty-two in number, dating between June 4, 1619, and October 17, 1620. The last date disposes of the usually received theory, that the release of the prisoners by the King's orders put an end to the system of taking bonds.

^b Patent Rolls, 18 Jac. I. part 19.

^c It is usual to speak of a patent of monopoly granted to Mompesson and Michell, which is altogether erroneous. They were, as has been seen, Commissioners, not Patentees.

his opinion, would be affected otherwise than beneficially. He was to find as much employment as he needed at the royal factories.*

The second point had been decided in favour of the patentees, by Ellesmere and his fellow councillors, before Bacon had anything to do with the matter, though Bacon no doubt adopted the previous decision as his own. As far as we can make out, the facts of the case were as follows: The bulk of the gold and silver thread used in England during the first years of James's reign was imported from the Continent. Fowle and Dyke discovered the method of the foreign manufacture or learned it from others, and at great cost introduced it into England. It then appeared that a manufacture had been previously carried on by a different method, but only on a very small scale. It was by the energy of Fowle and Dyke alone that a competition with the foreign manufacturers was rendered possible, and, in consideration of this, the sole right of making the article by any method whatever was conceded to them. Experience has taught us that it is impolitic to make such wide concessions. But is it necessary to accuse of dishonesty the statesmen of all parties, including men of such different character as Ellesmere, Suffolk, and Bacon, because they held that the grant ought to be given to those who had really benefited the country by meeting foreign competition?

The last question relates to the establishment of a special commission to punish offenders. It is here that the opinion of Bacon's contemporaries was most strongly pronounced against him. If he had succeeded in carrying out his design it would have resulted in the establishment of an arbitrary power over all matters connected with trade, of which the abuses would have far exceeded the abuses of the Starchamber in the following reign. But is it the least likely that Bacon would have foreseen this? His theory of government gave large powers to the Crown, but kept those powers from being used abusively, by the constant enlightenment to be derived from frequent Parliaments. According to him, the constitutional relation between the Crown and the representatives of the people was very much the same as that which prevails in France under the second Empire. That such a theory is in the long run untenable, it is impossible to doubt. In England it never had a fair chance; James took one half of Bacon's scheme, and declined the other.

The result was that the powers, which upon Bacon's advice were exercised by the Crown, were left not merely without any serious check, but without that

* The pensions of Sir Edward and Christopher Villiers would have had very little importance in his eyes. If the profits were the King's, he might either keep them all in the Exchequer or give them away.

moral restraint which arises when the acts of officials will in no short time be discussed by an independent body.

Yet, at the present day, it is undoubtedly difficult for us to conceive how, even in an age of frequent Parliaments, Bacon can have really been in favour of placing such an ordinary matter as the making of the materials of gold lace and buttons under the care of a special commission.* Our doubts will, I believe, find a solution in the preamble of the second proclamation. Whether it was the production of his pen is a question which I must leave to those who have given a special study to the peculiarities of his style. That it is the expression of his mature thought I, at least, have no doubt whatever. With him, as with all his contemporaries, the preservation of the coin was one of the very first necessities of the kingdom. If he could obtain security for this, he would think little of setting aside what he would consider as the narrow rules of pedantic lawyers. The Court of Exchequer might safely be entrusted with smaller matters. But it could not be trusted to take a large view of the general interests of the country.

All this is no excuse for his statesmanship. He was altogether wrong, as all his contemporaries were wrong, about the value of the coin. He was altogether wrong, when most of his contemporaries were right, about the necessity of fencing round grants of this nature with the strictest rules. The arbitrary courts which he favoured were of evil example to the commonwealth. The instruments which he employed were pushing, unscrupulous, selfish men, who did him no credit; but when we are asked to establish a charge of dishonesty against him, we must demand stronger proofs than appear to be forthcoming.

APPENDIX.

FOUR LETTERS OF LORD BACON TO CHRISTIAN IV. KING OF DENMARK.

I.

SERENISSIME REX,—Accepi literas Majestatis Vestræ per manus prænobilis viri legati vestri Domini Sinclarii, unde maximas et humilimas gratias ago Serenitati Suae, quod me memoriâ complecti et literis tam benignis compellare et salutare dignata sit. Ego certe (quando et de hoc ipso

* For the opinions which Bacon was likely to hold, on the powers which might legally be entrusted to such commissions, the case against Whitelocke in the Appendix to the *Liber Famelicus*, may be profitably consulted.

querere ex favore suo sibi placuerit) valetudine utor ad præsens ex morbo non levi recreatâ et corroboratâ, maximaque habeo solatia ex gratiâ Regis mei, sed tamen infinitis urgeor et distrahor negotiis, ut vix respirare aut vivere videor, nisi quod officia vitæ sunt mihi vitâ ipsâ longè potiora. Accedit et luctus recens ac vehemens qui subinde recurrit ex obitu serenissimæ Domine meæ Reginæ Annæ, ex cujus favore constanti atque uno tenore erga me semper fluente et cumulado solebam inter tantos negotiorum fluctus me reffectum et confirmatum sentire. Meum itaque erit memoriam ejus felicissimam perpetuò colere, atque debitum meum, in quo erga eam mirabiliter astrictus eram, in Serenitatem Vestram transferre, ut si quâ in re servitio suo, vel consiliis apud regem meum vel operâ^a usui esse possint, omnia summâ cum alacritate et studio præsent. Rex Dominus meus convaluit firmiter et constantè . . . corpore [a]rtubus, atque . . . indicium certissimum . . . internis nobilibus et vitalibus sanam esse et intactam, quod ex tam periculoso morbo tam subito et sine aliquâ recidivatione sanitatem recuperavit. Serenissimus princeps Carolus et annis et animis viget jam virilibus, summamque cum amore expectationem de se quotidie excitat. Serenissima Domina Elizabetha Palatina sobolem dabit (si Deo placuerit) in multos principatus; adeò ut omnia apud nos per gratiam et misericordiam Divinam sint in statu bono et florenti; atque ex eâ ipsâ parte ex quâ maximè laborare solebamus (hoc est ex re nummariâ), tantum est perfectum per prudentiam et diligentiam Domini regis in erroribus inveteratis corrigendis, ut res suæ inde procul dubio capturæ sunt magnum incrementum et stabilimentum. Superest ut humilimè exosculer manus Majestatis Vestræ. Deum optimum maximum comprecor ut eandem prosperam et incolumem conservet.

Majestatis Vestræ omni observantiâ et devotione servus addictissimus,

Junii 16^o, 1619.

FR. VERULAM, *Canc.*

II.

SERENISSIME REX,—Cum vir generosus Robertus Amstrudder eques auratus, servus regis nostri majorem in modum et habilis et acceptus, Vestræque Majestati unicè deditus, mihiq; arctâ admodum necessitudine conjunctissimus, ad Serenitatem Suam profecturus esset, officio meo me defecturum existimavi nisi literas debitâ cum humilitate et reverentiâ ad Suam Serenitatem darem; quibus et animi mei propensissimum affectum testarer, et virtutum suarum me cultorem ingenuum profiterer, et servitia mea quibuscunque in rebus usui esse possim Serenissimæ Majestati Vestræ offerrem. Cumque res jam caleant, et status Europæ ceperit esse commotior, et nova scœna ad exhibendam prudentiam regiam et virtutes heroicas jam apparatus sit, Deum Optimum Maximum precor ut omnia felicem sortiantur exitum in ejus gloriam et religionis stabilimentum, et per quem effusioni sanguinis Christiani maximè parcatur, atque ut tales in eâ sint partes Regis nostri et Majestatis Vestræ quæ honores vestros, et salutem, necnon amplitudinem regnorum vestrorum maxime cumulare et illustrare possint. Superest ut humillimè exosculer manus Majestatis Vestræ, eique omnia prospera perpetuò exoptem.

Majestatis Vestræ omni observantiâ et devotione servus addictissimus,

28 Mart. 1620.

FR. VERULAM, *Canc.*

^a There seem to be some words omitted. The sentence is unintelligible as it stands.

III.

SERENISSIME REX,—Accepi literas Majestatis Vestre per manus Domini Rob. Amstrudder affinis mei, viri servitio Majestatis Suse in primis dediti; quarum nomine humilimas gratias ago Serenitati Suse, quod me honorificâ et benignâ literarum suarum compellatione indies magis obligatum velit; summâ autem afficiebar voluptate, quod in illis literis animum Serenitatis Suse pium ac vere Regium perspexerim. Cum enim bellicâ virtute floreat, pacis tamen cultorem se profitetur; rursus sub ipsâ pacis mentione veræ Religionis patrocinium anteponit; itaque opto ut ex votis suis, quæ cum nostris sunt conjunctissima, omnia feliciter succedant. Superest ut humilime exosculer manus Majestatis Vestre, eique omnia prospera perpetuò comprecor.

Ex ædibus Eboracensibus.

Nov. 19, 1620.

Majestatis Vestre omni observantiâ et devotine [*sic*] servus addictissimus,

FR. VERULAM, *Canc.*

IV.

SERENISSIME REX,—Cum Dominus Amstrudder affinis meus, ac servitio Majestatis Vestre apprimè deditus, iterum ad Majestatem Suam profiscatur, non potui officio meo deesse quin observantiam meam perpetuam erga Majestatem Suam literis testarer, quam non tantum calamo, sed opere et merito, prout dabitur occasio et facultas, præstare paratus sum. Dignabitur igitur Majestas sua voluntatem pro facto accipere, meque inter fidos et propensos Majestatis Suse servos reponere. Cujus manus humilime exosculor, eique omnia prospera comprecor.

Ex ædibus Eboracensibus.

Janu. 13, 1620.

Majestatis Vestre omni observantiâ et devotione servus addictissimus,

FR: ST. ALBAN, *Can.*

The Examination of Sir THOMAS PERYENT, taken the 21st day of March, 1620.

[House of Lords MSS.]

Hee saith that one Mr. Hody gave to the Lord Chancellour a dozen of buttons to the valew of fiftie pounds, as hee thinks. And this was a fortnight or thereabouts after the suite ended, as Mr. Hody affirmed. And hee, likewise, gave to this examine one hundred pounds, which was, likewise, after the suite ended. And this was for noe other cause but for bringing the said Mr. Hody and presenting him to the Lord Chancellour at that time to give him the said buttons.

THO. PERYENT.

The Examination of PHILLIPP HOLLMAN, taken the 22nd day of March, 1620.

[House of Lords MSS.]

The said examine saith, that being sued in Chancery by John Hull, and there being an order against him, both for his comittment, and for putting in suertie to stand to the order of that Court; and having bin prisoner three monthes, and two monthes thereof kept within the prison, as he remembers; thereupon this examinat dealt with Sir John Fynnett to use some meanes for him, who reported to this examine that hee had dealt with Mr. Mewtis, and in the end this examine contracted with Sir John Fennett to pay 500^{li}, and put it under his hand. But whether by the writings it were to be paid to Sir John Fennett or to Mewtis, he is not very certaine. But saith that there was never anything paid, neither had this examine any such ease as hee expected. And as this examine hath bin lately tould, by Mr. Manley, the writing is cancelled.

Hee further saith there was heretofore a cause between George Hollman, deceased, this deponent's brother, and one Thomas Young; in which cause, as the said George on his death-bedd reported to this examine, he had given 130^{li}, which afterwards was brought backe to him by Mr. Hatcher, and said hee thought it would be his death. For that hee conceived the cause would be decreed against him, and, indeede, after his death it was decreed against this examine, contrary to faire deedes and a long possession.

Per me PHILL. HOLLMAN.

Petition of Sir JOHN KENNEDY.

[House of Lords MSS.]

To the right honorable the Lordes spirituall and temporall, in the Upper House of Parliament assembled.

The humble petition of Sir John Kennedy, Knight.

Humble shewing that wheras there was a cause dependinge in the court of Chancery betwixt one David Dromond and your supp^t, whose uppon the proceedings could make nothinge appeere to bee justly dew from your supp^t to the said Dromond, yett nevertheless there was a decree made that the said Dromond should be paid 200^{li}. for a protexion out of the monyes w^{ch} was to com to yo^r supp^t from Ferrers, Gosson, and Johnson. And also divers orders were made in Chancery in the favours of Tymothie Pinckney, who was yo^r supp^t's tennant att Barnellmes, there being no bill nor sewte dependinge betwixt the said Pinckney and yo^r supp^t. All w^{ch} yo^r supp^t conceaveth to be unjustlie mad wth out consideracion, prooffe, or course of court, and don by reason of corruption to sume of the Lord Chancellours servants, from the injustice whereof your suppliant ought to be releved.

Itt is therefore most humble prayed your Lordships wilbe pleased to take sume consideracion thei^rof, soe as your supplicant may be releved by a review in the Chancery before sume Judges assistants, or otherwayes the matter may be determened by your Lordships medeation or sensure, and that in the meane tyme the Master of the Rolls may forbear to proceed in any of the said causes untill your Lordships pleasures be knowen. And your supplicant shall pray, &c.

XIII.—*On the Day of Cæsar's Landing in Britain : by The EARL STANHOPE, President.*

Read November 15th, 1866.

It will be in the recollection of the Society that on the appearance of the first volume of the "History of Cæsar" by the Emperor Napoleon, the Council took occasion to express to His Imperial Majesty their high esteem for the learning and ability and the power of antiquarian investigation which that work displays. The wish, which at the same time they took the liberty of stating, that we might be allowed the honor of adding His Majesty's name to our list of Fellows, received a gracious response, and we have now, as you are aware, the great gratification to see the Sovereign of France enrolled among us as a Royal Fellow.

The second volume of the "History of Cæsar," which was subsequently published, has well sustained the reputation and fulfilled the promise of the first. But the Council, while they did justice to the general merits of the eminent author, felt that there was one point on which their own researches only four years since had led them to a different conclusion. This point will be best explained if I read to you the following letter, which, with the assent of the Council, I wrote to His Grace the Duke of Somerset :—

" Society of Antiquaries, London,

" MY LORD DUKE,

" Somerset House, June 19, 1866.

" At a Council of the Society of Antiquaries held this day I was requested as President to make to your Grace the following communication :—

" The Society has not forgotten, but on the contrary holds in gratified remembrance, the prompt and obliging manner in which your Grace responded to the appeal which I addressed to you in its name on the 18th of March, 1862, and the interesting experiments which were in consequence made under your direction with respect to the course of the Dover tides.

"Those experiments seemed to be decisive of the question of Cæsar's landing, and to fix the place at or near Hythe. But the controversy has now been reopened by the Emperor Napoleon in the second volume of his "*Life of Cæsar*," where the honour of this place of landing is claimed for Walmer or Deal.

"In taking this view His Imperial Majesty relies, in the first place, on a difference of date. Cæsar has mentioned a full moon, which we know by calculation to have occurred in the night of the 30th of August (or, to speak quite strictly, at 3 A.M. August 31, B.C. 55), and he says that this was *post diem quartum* of his landing. Now, the Emperor, interpreting this Latin phrase in a different sense from that understood by Mr. Lewin and the Astronomer Royal, and also by M. de Sauley, Member of the Institute, an extract from whose work was appended to my letter of March 18th, 1862, conceives these words of Cæsar to exclude both the day of the voyage and the day of the full moon, so that Cæsar would have landed in Britain on the 25th, while the previous authorities make it the 27th, of August. The question then is, whether, assuming, for the sake of argument, the date as preferred by His Majesty for the time of landing, it need also, if assumed, imply a difference as to the place; and it is on this point that the Society of Antiquaries desires once more to recur to the enlightenment of nautical science.

"The Emperor, who we observe quotes as his authority "*L'Annuaire des Marées des Côtes de France pour l'année 1857*," asserts that in the afternoon of the 25th of August, that is on the sixth day before the full moon, the tidal current off Dover would have borne Cæsar's fleet from west to east, that is, in the direction of Deal.

"On the other hand, we learn from the experiments which the authorities of the Admiralty were so good as to undertake at our request, that on the afternoon of the 27th, that is, on the fourth day before the full moon, the tidal current off Dover would have borne Cæsar's fleet from east to west, that is, in the direction of Hythe.

"Our object, then, in now applying to your Grace is to consult, by your permission, the heads of the Hydrographical Department of the Admiralty, and to ascertain from them whether it be correct according to the calculations in their hands that the interval of two days does really invert the channel tides, so that the current running (as that department has already informed us) east to west on the 27th would have run west to east at the same hour on the 25th.

"I have the honour to be, My Lord Duke,

"Your Grace's very obedient servant,

"STANHOPE."

At the time when the Duke of Somerset received this letter, he and his colleagues in the Government had in view their speedy retirement from office. But this consideration did not render the Duke at all remiss in his attention to our wishes. So far from it that, within a very few days, I received from him an answer as follows, in a private form :—

“ Admiralty, Monday 25th June, 1866.

“ MY DEAR LORD STANHOPE,

“ I send you a note by the Hydrographer, on the vexed question of Cæsar's landing.

“ Yours faithfully,

“ SOMERSET.”

Note appended.

“ It is correctly stated at page 39 of Lewin's ‘ Conquest of Britain,’ that at 3 P.M. of 27th August, B.C. 55, the current was running to the westward, and would continue to do so until 6.30 P.M.

“ Substituting the 25th August for the 27th at the same hour of 3 P.M., the current would be still running to the westward, but would only continue to do so until 4 P.M.

“ Therefore if Cæsar weighed from off Dover at 3 P.M. of the 25th of August, he would have done so under the same conditions of tide as regards direction, but he would only have had one hour's duration of westerly stream instead of three and a half hours.

“ GEORGE HENRY RICHARDS,

“ June 22, 1866.

“ Hydrographer.”

It will be seen from this official computation that, if even we were to grant to the Emperor that the day of Cæsar's landing was the 25th of August, instead of the 27th, the conclusion of His Majesty would not even in that case be sustained. Cæsar nowhere says that he had the tide in his favour all the time that he steered from Dover, but only that the tide was in his favour at the outset. “ Ventum et æstum uno tempore nactus secundum.” If then he sailed at 3 in the afternoon on the 25th, he would have found the tide running westward then, and for one hour subsequently. Add to this, that one hour's sailing with the aid of wind and tide would be sufficient to bring him to the point at which he actually landed, and which as he states was distant from Dover about eight miles.

But the further question here arises—how far is the theory admissible that the

voyage of Cæsar from Dover to his point of disembarkation was made on the 25th of August, instead of the 27th? The answer to this question must depend entirely upon the meaning which we may assign to the phrase "*post diem quartum.*" Does this phrase, as Mr. Lewin and others have argued, include the two extremes? Or does it rather, as the Emperor contends, exclude them?

Mr. Lewin, in support of his own interpretation, had already, some time since, adduced a passage of considerable cogency. It is derived from the Second Philippic of Cicero, ch. 35:—"Neque te illo die neque postero vidi Post diem tertium veni." There is a recent commentary on this reference from the pen of the Rev. C. Merivale, the excellent historian of the early Cæsars. "The passage of Cicero," he says, "taken with the context, is amply sufficient to show that the phrase may be inclusive. But can it be otherwise? Does there ever occur an instance where it is exclusive?" Mr. Merivale goes on to observe that it may be difficult to prove the negative, but he does not conceal his own strong belief that the affirmative to this inquiry cannot be sustained.

The words of Mr. Merivale which I have just now quoted are derived from an article contributed by him with his name to a recent periodical, the "*Contemporary Review*" of September last. In that article he has anticipated—and much more than anticipated—the remarks upon the point in question which I might have desired to address to you. With great learning and no less great acuteness he has adduced several instances, besides that from the second Philippic, in support of his position. First, there is another passage from Cicero, in the Oration for Milo, ch. 16—"Audistis Clodium sibi dixisse peritulum Milonem triduo: post diem tertium gesta res est," that is, within three days.

Next, there are some words from the first chapter of the sixth book of Livy—"Quidam quod postridie Idus Quintiles non litasset Sulpicius neque post diem tertium objectus hosti exercitus Romanus esset;" that is, neither the day after the Ides nor the next day after that; consequently the third day inclusive.

Then again, Quintus Curtius says in his third book, ch. 6—"Post diem tertium medicamentum sumpturus erat. . . . Inter has cogitationes biduo absumpto illuxit a medico destinatus dies;" that is, the third day.

Hirtius, also, in his account of the African war, and near the commencement, tells us first of the orders that Cæsar gave—"Datis mandatis ipse navem conscendit a. d. vi. Kal. Jan." (that is the 27th December) "et reliquas naves statim est consecutus. Ita vento certo celerique navigio vectus post diem quartum cum longis paucis navibus in conspectum Africæ venit." This same day he landed and summoned Adrumetum to surrender: "Unâ nocte et die ad oppidum consumptâ"

—then he withdraws from the siege—"itaque castra posuit ad oppidum Ruspina Kal. Januariis."—That is, on the 1st of January he arrived before Ruspina: on the 31st of December he lay before Adrumetum; therefore it was on the 30th that he had landed there; and this was "post diem quartum" from his sailing on the 27th of December.

But Mr. Merivale has properly reserved to the last his strongest instance—much his strongest, since it is derived from Cæsar himself. He bids us refer to another passage in the "*De Bello Gallico*," the 6th book and the 33rd section. There we are told of Cæsar, "Discedens post diem septimum sese reversurum confirmat;" and then after some interval there comes, "Diesque appetebat septimus, quem ad diem Cæsar . . . reverti constituerat," which last words, as Mr. Merivale observes, may be thus translated: "Meanwhile the seventh day, the period fixed for Cæsar's return, approached." And it is added by Mr. Merivale that the Emperor Napoleon in the corresponding passage of his own second volume adopts this mode of translation as the true one without objection or remark.

The citations which the industry of Mr. Merivale has thus collected seem to me I must say of almost irresistible force. But, further still, I would ask you to consider the meaning which we attach to two phrases derived from Latin originals, but still in common use among ourselves; I allude to the phrases of a tertian ague and a quartan ague. Now a tertian ague is where the attack occurs every other day, a quartan ague is where there are two days interval between. In both these cases, therefore, the third and fourth day are counted as inclusive.

Moreover I would venture to ask whether, in other instances, the same mode of computation as derived from the Latin does not prevail among the French themselves? When they say "*dans huit jours*" or "*la huitaine*" do they not invariably mean a week; and have they any other term to express a fortnight beyond this, "*quinze jours*" or "*une quinzaine*?"

Notwithstanding therefore the respect which we justly owe to the Emperor Napoleon's critical sagacity, of which he has given us many other tokens, and notwithstanding also the weight which belongs to other excellent scholars in France whom the Emperor had the opportunity of consulting, we may, I think, justly incline to the opinion of Mr. Lewin and Mr. Merivale, that the weight of classical authority is against the conclusion which on this point his Majesty has endeavoured to establish. But the elucidation of the truth is of course our only object, as it is with the Emperor also; and we should most readily own ourselves mistaken if other and stronger instances, tending to a different conclusion, can be at any time adduced.

XIV.—*Remarks on a Bronze Object found at Lucera, and on the Worship of Pan Lycaeus, or Faunus Lupercus.* By Padre RAFFAELE GARRUCCI. Communicated and translated by W. M. WYLIE, Esq. M.A. F.S.A.

Read November 15th, 1866.

THE very singular, or rather, as regards Italy, the unique bronze relique that I have now undertaken to describe and explain, I consider to be the same that was discovered January 4th, 1800, at the steep pitch of the hill just below the castle of Lucera. This we learn from an account of the discovery given by the Cavaliere Onofrio Bonghi, quoted by Gerhard.^a

The object in question consists of a disc of copper, perforated in the centre, from the outside edge of which there radiated nine strips of the same metal, fixed on the disc by nails. Of these three only are wide and long, the other six seem to have been short and narrow. The three wide strips are curved over at the ends, and affixed to three rude representations of the human foot and leg up to the knee; through the ancles pass pivots on which wheels revolve. These are six in number, and have only four spokes each. These feet, with their wheels, support the disc, to which are attached eight figures of men and animals composing a scene. The short and narrow strips were added to receive those figures for which there was no room on the disc. To the same purpose also one of the long strips is still applied, which allows us to conjecture that figures of men or animals formerly stood on the other two. Above the legs project goats' heads, each being attached to a quadrangular bronze stem. On either side of this stem are torted rods, or cords, also of bronze, and leaning outwards. Since these three stems and the six torted rods have been broken short off, we cannot say what their height may originally have been, nor what their purpose was; nor whether they supported another disc like the one below.^b It can only be positively affirmed that the relique has no connexion whatever with the class of *cistæ mysticæ*, a point on which Gerhard seems to have entertained doubts.

Although Gerhard's description does not precisely correspond with the present condition of this relique, yet there are such striking points of agreement that we

^a Bulletin de l'Institut de Correspondance Archéologique. Rome, 1830, p. 15.

^b The dimensions of this bronze are here given for the convenience of those who may not have an opportunity of seeing the original:—

can hardly doubt it to be the identical one which was formerly in the Bonghi collection. The discrepancy is this, that, whereas we read in the account given by Gerhard that there were fourteen human figures joined by small chains to the bronze found at Lucera, there belong to that now before us fourteen figures in all, including those of both men and animals, two only of which have been attached by little chains, and the rest fixed on the bronze disc. It would seem, too, that another error exists in this account, which states that three of the figures have the arms, as well as the legs, formed like serpents, whereas two such only have been found, making, with six others, eight human figures in all. If to these we add six more of animals, we shall have the number of fourteen, as stated by Gerhard.

He tells us that "the disc, where the figures are, is pierced in the centre, and at three points of its circumference bars are attached with wheels at their ends, surmounted by goats' heads, and through these perforated ends pass the axles on which the wheels revolve." To this description it was only requisite to add, that these bars terminate in the form of a human leg, the heels of which are pierced by the axles; and that above the heads of the goats rise quadrangular rods, on the sides of which two little bronze cords play on pivots. It is, moreover, well worthy of attention that the circumstance, remarked by Gerhard, of one bar only being attached to the disc, was found to be the case with the relique before us

| | | | | | | | Inches. |
|---|---|---|---|---|---|---|---------|
| Diameter of wheels, but they slightly vary | - | - | - | - | - | - | 2½ |
| Width of the felloes of wheels | - | - | - | - | - | - | 7½ |
| Diameter of disc | - | - | - | - | - | - | 6 |
| Height of tallest human figure | - | - | - | - | - | - | 2½ |
| Height of disc from ground | - | - | - | - | - | - | 5¾ |
| Height from ground to the fractured tops of torted rods | - | - | - | - | - | - | 10 |

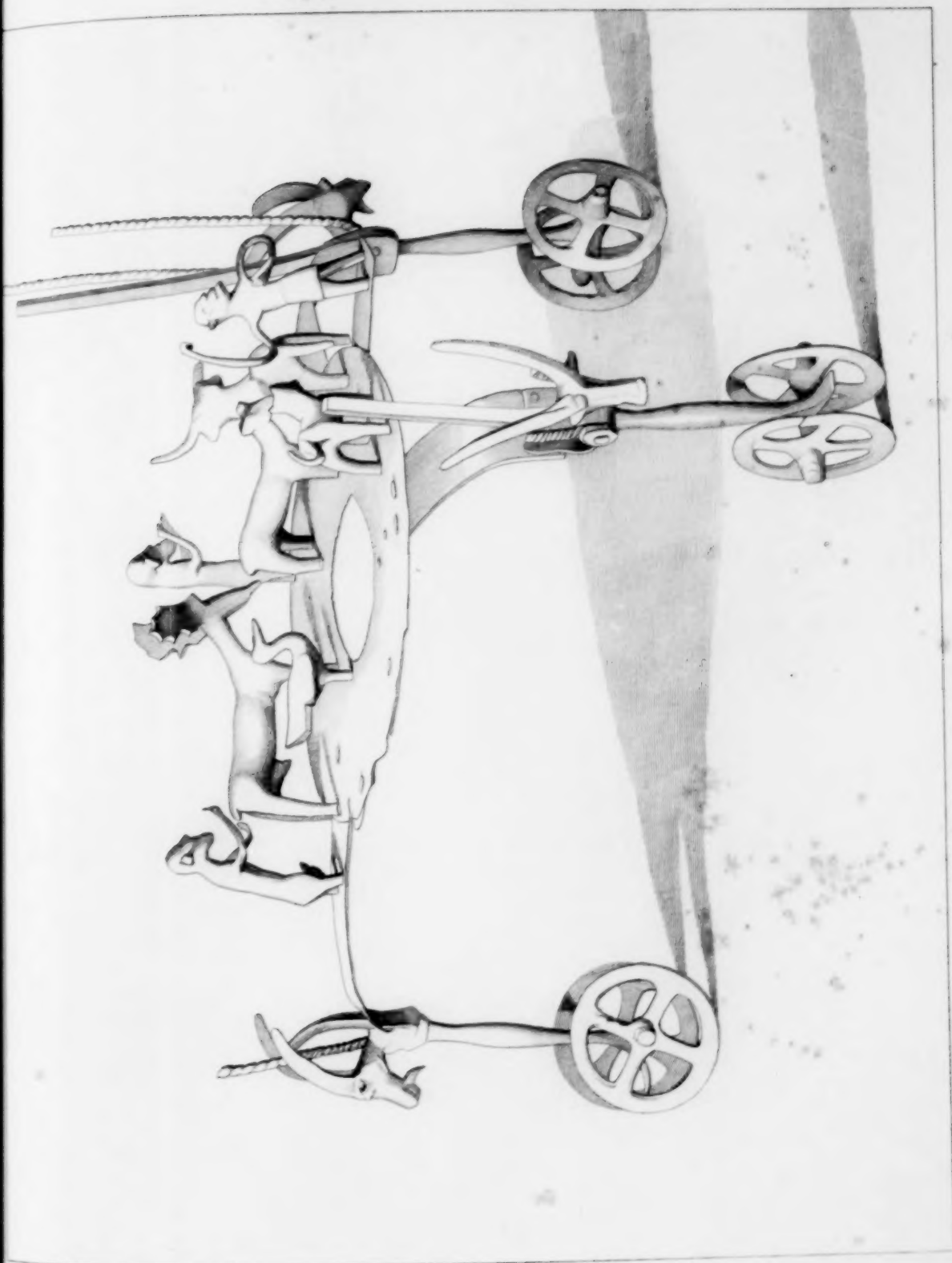
None of the figures have feet, but are stuck into the disc, like pegs.

It is hard to account for the oval aperture in the centre of the disc, unless we can suppose it left to receive a lamp or incense vessel.

Such objects of antiquity are certain to present some inexplicable feature. In the present case the wheels stand in such triangular fashion that they cannot possibly run together. The point of each axle probably stood originally 10 inches distant from that of the next set of wheels.

The whole group stands fairly within a circle of 8 inches radius.

As regards the animals figured in the group, a celebrated palæontologist sees in the bull an unmistakable representation of the *bos primigenius*; and of the *cervus alces* in the stag. To this it might be added that the caprine heads, which project over the wheels, rather resemble those of the *capra ibex*. If we could venture to consider so rude a work of primitive art a basis sufficiently solid for so interesting an attribution, this relique would become of great importance to Italy. It would show that the *urus*, the elk, and *ibex*, frequented the forests of the Apennines at the period when this bronze was in the hands of its unskilled artist.—W. M. W.



BRONZE OBJECT FOUND AT LUCERA.

Published by the Society of Antiquaries of London, 1868.

when it came into our possession. In a later work of Cavaliere Gerhard^a the designs of nine of the figures from this bronze occur, five of which, included in the preceding enumeration, are now lost, the remaining four being a stag or buck; three nude human figures, including one of two sitting on cords; to which must also be added three, of which he gives some description, and which still exist, namely, an ox, and two animals taken by him for wolves, but which in reality are a dog and a sheep.^b With so many points of agreement existing I can scarcely see the need of adducing further proofs to show that the object before us is the actual one described by Gerhard. I have only to add, that it was purchased at Naples, where Signor Bonghi lived, and in whose house I formerly saw it. Mr. Wylie, F.S.A. is the present possessor of this rare treasure.

The representation appeared to the learned Gerhard so enigmatical that he deemed it better not to determine its ancient purpose, and for the same reason he abstained from attempting any explanation of the meaning of the composition. Nor would it be my wish to appear more venturous if, at the invitation of my friend Mr. Wylie, I presume to offer a conjecture of my own in a matter so difficult, and so new to me. Accomplished students in such studies will tolerate this mere conjecture. I pretend to no more.

Proceeding to the composition, we will examine the fourteen figures described by Gerhard, of which now nine only remain. (*See Plate XIV., and woodcut page 280 post.*) The five figures that are now lost, or missing, we will complete from the designs edited by Gerhard.^c

It is quite evident, as I observed before, that the number of figures would have required a larger disc, since it had become necessary to make up the want of space by projections from the disc, and to use, for the same purpose, the bronze strips which connect it with its supports. Moreover the presence of the bull, the sheep, the stag, the goose in a certain degree, and especially of the dog which accompanies them, give an undeniable idea of a pastoral scene, and justify the supposition that some more domesticated animals, perhaps of the winged tribe, are wanting. This idea is further strengthened by some holes on the disc, where the figures may have stood.

^a Etruskische Spiegel, vol. i. pl. xviii.

^b [Gerhard does not notice the goose, which, together with one human figure partly clothed, complete the series of nine as we have it at present.]

^c See the wood-cut overleaf, which gives figs. 5, 7, 10, 11, and 12 of Gerhard's plate in Etruskische Spiegel.



In an attempt to explain this representation we think it better to confine our research to a scene either sacred, or rural, relating to pastoral life.

Having arrived thus far, that we may not err in our selection, let us consider the conditions of the human figures that are introduced. Properly speaking, here we cannot recognise shepherds in their pastoral state by any known sign. Instead of this, however, we have indications of personages who belong to a very different condition. The figures divide themselves into two classes, one being altogether nude, the other girt about the loins, but otherwise nude. One of these figures, published by Gerhard (*see woodcut*), is represented blowing the *murex* or *buccinum*, and another, likewise published by him, is represented helmed, and defending himself with a kind of square shield on his left arm, while he is raising his right, which must have brandished some weapon now wanting. The two remaining figures are in very similar attitudes. One of these, partially clad, has lost the implement once raised in his right hand. The other is nude, and must have been sounding some instrument, judging from the hand that approaches the mouth, and the round aperture therein. The cause of this brandishing of weapons by the two armed figures seems in the one case to be the wolf, which we see in the act of seizing a lamb in his mouth and carrying it off.* The other figure, with sword and helm, manifestly indicates some more powerful armed enemy coming to carry away the herds. The two figures sounding the instruments seem to have given the alarm.

This scenic representation would not, of its own nature, quit the pastoral class,

* By one of the strange freaks which archaeological fortune occasionally plays, this missing portion of the group seems to have found its way into the British Museum, where I believe I recognised it among other *disjecta membra* of this collection.—W. M. W.

and might even be compared with similar compositions described by the ancients; but such a supposition would not, I fear, suffice to interpret all its peculiarities.

The fact I first call attention to is that certain of the figures have merely a cloth round the loins, while others are not only entirely nude, but are represented in such fashion as would indicate some meaning quite out of the common way. Now the ancients only ascribed such unusual representations of generative force to the God Inuus, either as Faunus, or Priapus,^a and, if we would fathom the meaning of the composition, we shall arrive without difficulty at the conviction that this relique is of a sacred character—an offering at the shrine of the God Faunus Lupercus. The whole composition, in fact, receives a wonderful light from this point of view, and the various attendant details find a satisfactory interpretation. Let us show how far this is the case.

The festival of the Luperci, or *Lupercalia*, consisted of a lustral sacrifice to Faunus Lupercus to propitiate him to keep the wolves away from the flocks, of which he was termed protector and keeper. The shepherds, throwing off their dress, and girding round their loins the skins of the immolated victims, after the manner of Pan whom they worshipped,^b ran about armed with rods,^c or scourges, or with strips of the skins of goats. This was a pantomime of the god, whose attribute of driving away the wolf they wished to express. Afterwards, in Rome at least, a Lupercal priesthood, in whose charge the festival was placed, was allotted to the shepherds, and the Roman youths ran about girt with skins, flapping with thongs the women, who believed they would thereby become prolific, or obtain an easy delivery.^d Sacrifices were offered to Faunus Lupercus not merely to stay contagion in the flock, but also that he should render it prolific.^e Hence is it that the Latins term him Inuus,^f and that he is compared with the Arcadian Πάν Λυκαῖος, also called Ἐφιάλτης. His double rôle, of protecting the flock and rendering it fruitful, explains itself to me in this pantomime of nude figures, by the representation of the exaggerated generative principle, and the

^a Livy, lib. i. c. 5. "Lycæum Pana venerantes quem Romani deinde vocarunt Inuum." Arnobius adv. Nat. iii. 23. Hieronym. in Isaiam, lib. v. c. xiii. 21.

^b Plutarch, Q. R. 68. Justin, xliii. 1, § 7. Val. Max. ii. 2, 9.

^c Prudentius contr. Symm. ii. 861. Plut. loc. cit. Festus voce Creppos. Schol. Juvenal. ii. 142. Plut. in Cæs.

^d Ovid. Fast. ii. 425, v. 102. Minuc. Octav. c. 24.

^e Rutilius, Itin. lib. i. 235 : "Dum renovat largo mortalia semina fœtu
Fingitur in Venerem pronior esse Deus."

^f Arnob. adv. Nat. iii. 23. Serv. ad Æneid. vi. 776.

weapons, now missing, which the figure with a skin covering round the loins is supposed to be raising in his right hand, in the act of striking. The other figures girt and nude, although in a different attitude, are not opposed to this interpretation. First, the figure sounding the *buccinum* or *murex*, besides that it may be explained as a person blowing the *tuba pastoralis*,^a reminds us of the instrument



fabled to have been found by Pan,^b who is said to have taught its use. Nor is there more difficulty about the helmed figure with the shield, since this may represent Pan, "*nemorum bellique potens*."^c For need was that the divinity should not only defend the herd from ravening wolves, but also from the hostile forager.

Lastly, as to the three heads of goats, we know the close relation of these to the divinity, since the goat was offered in sacrifice to him. It is fabled, too, that in the war against Jupiter by Typhon, when the gods fled and transformed themselves, some into one animal, some into another, Pan assumed the form of a goat.^d

There only remain the nude figures,^e sitting on the cords, with legs crossed, and in the act of placing the right hand on the mouth, and covering with the left the fore part of the body, where, however, there is no indication of sex. These figures, therefore, seem altogether opposed to the exaggerated forms just described.

This two-fold symbolism of concealing the organs of speech and sex, as expressed in these figures, may be capable of an interpretation in conformity with the character of the most ancient Italic traditions. These prescribe secrecy as to the name and nature of the tutelar spirit, the attributes of which, nevertheless, it was the custom to personify. Thus may be explained how at the same time in some of the figures the productive energy and protecting power are represented, while

^a Varro, R. R. ii. 4 ; iii. 113. Propert. iv. 10, 29, "*pastoris buccina lenti*."

^b Hygin. Poet. Astron. c. xxviii. *sub voce* Capricornus.

^c Val. Flacc. Argonaut. iii. 48. Theocrit. Syrinx.

^d Eratosth. c. xxvii. Schol. Arati, p. 39, ed. Oxon. 1672. Hygin. Poet. Astron. *ubi supra*.

^e The woodcut in the margin represents the sitting figure now detached from the bronze, but still extant. The other, which is now lost, is given in the woodcut on the previous page, from *Etruskische Spiegel*. These sitting figures were possibly suspended from an upper portion of the relique which no longer exists.

we learn from the mysterious figures seated on the cords in mid-air that silence as to name and sex must be preserved.

Hence it seems to me a highly probable conjecture that the festival of the Luperci is here represented—I mean, not the Latin, but the old Italic Luperci—the pantomime of which scarcely seems to have been fully represented in the festival of Latium.

I conceive the relique, as thus explained, to have been votive; and that at the foot of the hill, where it was found, there must have been a cave sacred to Faunus Lupercus or Pan Lycæus, to whom it had been dedicated by the Italic race that inhabited Lucera.

NOTE.

As translator of Padre Garrucci's paper on the Lucera bronze, I would ask leave to say a few words in explanation of my part in the matter.

It will, perhaps, be remembered by some of the Fellows present that our lamented friend the late Mr. J. M. Kemble read a paper here in December 1855 "On some remarkable Sepulchral Objects from Italy, Styria, and Mecklenburg"^a—in fact on these very archaic bronzes, an example of which is now before us. So important did Mr. Kemble deem the subject, that he especially recommended it to the study of the Society of Antiquaries. After Mr. Kemble's decease this paper was republished in his *Horæ Ferales* by our Director Mr. Franks, and we may infer that it has been rendered better known on the continent in this shape, since Dr. Lindenschmit has lately made public recognition of its value.^b

Last winter, at Rome, I became possessed of this Lucera bronze through the kind intervention of my friend the Padre Garrucci, and that accomplished scholar added still further to the obligation by, at my request, writing for the Society of Antiquaries the present elegant classical paper. Padre Garrucci has, I think, adduced very satisfactory reasons for considering the bronze relique to have been a votive offering at the shrine of the sylvan and pastoral deity Faunus Lupercus. This probability, too, seems heightened by the fact that the district of Lucera was famous of old for its flocks of sheep and the superior quality of their fleeces.

^a *Archæologia*, vol. xxxvi. page 349.

^b *Alterthümer unserer heidnischen Vorzeit*, Band ii. Heft 3.

Horace tells us of the

... lanæ prope nobilem
Tonsæ Luceriam,^a

and Lucera is said still to maintain its reputation in this respect. Among such a shepherd-race we should expect the worship of Pan or Faunus to have prevailed. I only wish my translation had rendered more ample justice to its Italian original.

In the British Museum there exists a cognate bronze object, brought from Italy by Mr. Payne Knight, and supposed by him, perhaps correctly, to have reference to the worship of the venerated goddess Demeter, or Ceres. To this relique Mr. Kemble alludes in his paper, with a manifest leaning to Mr. Payne Knight's conviction. Could he have seen the group now on the table, his views would probably have been still further strengthened. One group appears to throw light on the other, and if in this we may recognise an allusion to some primitive form of Lupercalia, it is not unreasonable to refer the other to the Ambarvalia, or rather to some earlier rite of the goddess of agriculture, on which the Ambarvalia was subsequently founded.^b

Bronze reliques of this class are exceedingly rare, and, beyond doubt, belong to a very remote antiquity, whether we are to attribute them to the early Greek colonists,^c or to the aboriginal Italic races. They would not indeed be out of keeping with the taste for imitation and scenic representation evinced by the Oscan people, and which found expression, even in late Roman times, in the popular *Fabulæ Atellanæ*.^d Such of these mystic groups as have hitherto occurred in Italy, have all been discovered, I believe, in the southern region which formed the home of the ancient Osci.

I am happy in this opportunity of submitting a matter of such interest to the experience and judgment of the Society, and of endeavouring to further the wishes of my esteemed friend Mr. Kemble.

It may be as well to state, for public convenience, that the University of Oxford has done me the honour of accepting this Lucera bronze, which henceforth will find a resting-place there in the Ashmolean Museum.

W. M. WYLIE.

^a *Carm.* iii. xv. 13.

^c Compare Herodotus, ii. 48-51.

^b Virgil, *Georg.* i. 339.

^d Livy, lib. vii. c. 2.

XV.—*Some Account of the Cuisine Bourgeoise of Ancient Rome.* By H. C. COOTE, Esq. F.S.A.

Read December 13th, 1866.

No one has yet written the history of the Roman palate, such as it became when the successes of that people had given occasion for its artificial cultivation. The Roman, consequently, has never been contemplated on this side of his character. This is not merely an omission in archæology, it is a blank left in the annals of taste. And the omission is the more remarkable, as most other subjects of antiquity have been fathomed by the learned, down even to the shoe and the *caliga*.

This subject alone *caret vate sacro*.^a In saying this I do not of course mean that the subject has not been imperfectly touched upon, for all the world is familiar with the *rhombus* of Domitian, the *mullus trilibris* of Horace, the oysters of Rutupium, and the slave-fed *murenæ* of Vidiolus Pollio; while the dishes of nightingales' tongues served up to that inventive madman Helio-gabalus, and the culinary wonders of the Augustan writers, are known alike to learned and unlearned.

But all these allusions have been fragmentary merely, meant to point a feeble moral,—not to expound principles of the *cuisine*. In a word, the writers have never thought of treating Roman cookery *en cuisinier*—the only way in which the subject can afford a rational interest to any one.

Virtually, therefore, this subject has been left untouched by these authors. There is no excuse, however, for this neglect of Roman Cookery, for the amplest materials exist for its mastery and complete illustration.

The materials I allude to are to be found for the searching in a well-digested treatise upon all the appliances of the *cuisine* as they were in vogue and operation in the days of the Emperors.

This treatise has at some time received the magniloquent name of “Apicius”—a fond reminiscence of the great *gourmet* of that name who flourished under

^a I do not mean to ignore the paper contributed by Professor Jowett to Dr. Smith's Classical Dictionary, though its position in that popular compilation is perhaps to be regretted. Mr. Jowett's contribution *scatet mendis*. He inflects the plural of *tuber* into *tuberes*; *boletus* (the large mushroom) is translated, “truffle,” the real Latin for which is *tuber*; and in the *Cæna Metelli* he explains *lumbi* (“côtelettes”) by haunches; *altilia* (“poultry”) by rich meats, &c. &c.

Tiberius, and whom all the world, from Juvenal and Martial down to the author of Querolus, have agreed to consider the type of the *haute cuisine* of Rome. It is of him that Pliny says "Ad omne luxus ingenium mirus."^a

As the real Apicius was no more a cook than Jean Grolier was a binder, the book itself^b is the actual compilation of a Roman Soyer or Francatelli, who, availing himself of his predecessors' learning, has given recipes which range from the Republic to the age of Heliogabalus. I say this upon authority, for the names of the dishes occurring in the book supply us with these dates. We have dishes which owe their nomenclature to historical personages, some as familiar as household words, others though not so prominent still distinctly traceable.

For the period of the Republic we have Varro, who gives his name to a dish of beets.^c Julius Matius, the friend of Cæsar and Cicero, who confers the same favour upon a mince, &c.^d The Emperors and their high functionaries figure in the same manner. Vitellius,^e Commodus,^f Didius Julianus,^g shine as inventors. Julius Fronto, the *prætor urbanus* of Vitellius, emulates his master.^h

Celsinius, a relative of Clodius Albinus, lends his name to a sucking pig.ⁱ But above all Varius (or Heliogabalus) deserves mention.

There were not only *condita*^k attributed to him which have been long since forgotten, but the book contains without his name those other inventions of his which Lampridius has recorded in these words:—

"Primus fecit de piscibus isicia, primus de ostreis et leiostreis, et aliis hujusmodi marinis conchis et locustis et cammaris et squillis."^l

The latter words the reader should note, for when he shall come to read that part of the present essay which refers to these *isicia*, he will see that to the odious Heliogabalus he owes his lobster rissoles.

Apicius himself figures on several occasions in this culinary nomenclature.

There are *plats* also in the book without his name, but which he was the first to introduce to public notice—*cymæ et coliculi*—in other words, sprouts. These

^a Pliny, Hist. Nat. ix. 17, 30.

^b There have been several editions of this Roman Cookery Book. That of Dr. Martin Lister, Physician to Queen Anne, entitled "Apicii Coelii de Opsoniis et Condimentis sive Arte Coquinaria Libri Decem," was printed in the small number of 120 copies, by Bowyer, London, 1705. A second edition of this text, *longe auctior et emendatior*, was given by Theod. Jans. Ahmeloveen. Amsterdam, 1709. Since the present paper was read, a new Edition has appeared by Chr. Theophil. Schuch, Heidelberg, 1867, comprising a revised text founded on the collation of seven MSS. with the *princeps editio* (Venice s. a.) with notes critical and explanatory, which however do not appear to add much to our understanding of the book.

^c Apicius, lib. iii. c. 2.

^d Ib. lib. iv. c. 3.

^e Lib. viii. c. 7.

^f Dr. Lister's Preface.

^g Lib. v. c. 1.

^h Lib. viii. c. 7.

ⁱ Ibid.

^k In Vita Heliogabali, Peter's edit. vol. i. p. 215.

^l Ibid.

early delicacies won the heart of his imperial master, Tiberius; though, as Pliny also records, they shocked the rigid principle of the virtuous Drusus.^a

The book, however, notwithstanding the dates of the recipes may vary, is a compilation made by one man. It is complete in itself, and is duly proportioned and related to its parts.^b In its literal style it resembles Mrs. Glasse, in her pleasant pleonasms and sagacious comments.^c It is to its contents that I propose hereafter to call the reader's attention. Their interest is undeniable. They illustrate Plautus, Terence, Juvenal, and Seneca.

The dishes, their material and sauce, which find fun for Plautus, make Martial impassioned, irritate Juvenal, and extract morality from Seneca, are all here. The dry narrations of the *Scriptores Augustæ Historiæ*, the charming gossipings and delicious extracts of Athenæus, are all rendered intelligible by Apicius.

Without him, the point of their allusions, even the meaning of their observations, is simply unattainable. These are some of the indirect advantages which our author affords—directly, he of course does more, because he formulates and details his art, and all attempts to define and explain Roman cookery without him are merely futile. To resuscitate a Roman dinner out of the spreads of Nasidienus and Trimalchio is to explain *ignotum per ignotius*. The details cannot be understood, and the *vues d'ensemble* propounded by the *farceurs* who have described these imaginary dinners are not meant to be true.

With such high claims upon our appreciation, it is very curious that this book should have sunk into entire oblivion since the days of its best editor, Dr. Lister.^d

So absolute, however, has been the oblivion, that Ruperti when commenting upon that passage in Juvenal^e where the satirist accuses a miser of keeping his *minutal* over to the next day in the middle of a Roman September, is obliged to have recourse to Isidore the Bishop for an incomplete gloss, when he could have found a series of exact definitions in the pages of a cook who had made the dish—our author.

^a Hist. Nat. xix. 41.

^b The references made in and to itself prove this: "Et hunc præcondies sicut hædum Tarpeianum" (lib. viii. c. 8). "Minutal ex jecinoribus et pulmonibus leporis, invenies inter lepores quemadmodum facies." (lib. iv. c. 3), &c. &c.

^c "Accipies cumanam mundam" (lib. v. c. 4). "Accipies pisces" (lib. iv. c. 2). "Accipies pullum" (lib. vi. c. 9). "Accipies cochleas" (lib. vii. c. 16.)

^d Dr. Lister's name is not mentioned in the Classical Dictionary *sub voce* Apicius. See note ^b on preceding page.

^e Sat. xiv. vv. 129, 130. "Hesternum solitus medio servare minutal
Septembri.

Again, the great scholar Weise was at his wits' end when he came to the following passage in the *Cistellaria* of Plautus,^a "Di me omnes, magni minutique et patellarii, &c." Alcesimarchus, who makes this adjuration, only meant "Gods great and small," the latter as small as if they had been chopped up for that peculiar Roman dish which they sometimes called *patella*, and more generally *patina*.^b (See *post.*) Weise could only interpret this passage as meaning "Lares fed out of a patella," which they certainly never were. If he had consulted Apicius he would have found a better and more appropriate meaning. He shews also a corresponding ignorance of ancient cookery in other notes to his great and excellent edition of the Roman dramatist.

These inadvertencies are but blots on the sun; but I mention them as strictly *à propos* of the utility and interest of our author.

Porson, too, who formed the library of the Institution in Finsbury Circus, intending to accumulate therein all that was excellent or curious in literary antiquity, never thought of adding this little book to that large collection, so utterly unknown had it become in his day.

I have said enough, I think, to raise a presumption that this writer is in no way deserving of the neglect which has attached to him, and I will now proceed with our subject, in the treatment of which he will be the authority unhesitatingly followed.

A word, however, should be first said as to how and whence the Romans got that cookery which Apicius has described. In point of fact the system set out in this treatise is the complete form which the art assumed through progressive improvements from the later and more refined days of the Republic to a period succeeding the death of Heliogabalus.

This system in its completeness shews signs of being composite—a combination of Greek Art with pre-existing Roman elements, which Roman taste would not consent to lose.

The change which resulted in this union was brought about after this manner: The Romans being a people in the main *soldatesque* and agricultural, their original cookery could be little else than a very simple affair.

But whatever it was it had the peculiarity of being very vegetarian,^c a property

^a Act ii. scene 1, v. 55.

^b "Patellarios intelligunt Lares, quibus cibus in patella adportabatur." Weise, *in loc. cit.*

^c In far later days Pliny jestingly described an old-fashioned Latin dinner thus:—"Lactucæ singulæ, cochleæ ternæ, ova bina, alicæ cum mulso et nive, olivæ Baticæ, cucurbitæ, bulbi, alia mille non minus lauta." (Lib. i. epist. 15.) This Roman taste is otherwise curiously illustrated in Columella (ii. 22).

which adheres to the cookery of the Latin races to this day, and is in itself an evidence of much refinement.

It was converted from its old simplicity, from a *ministerium* into an art (to use the words of Livy, lib. xxxix. c. 6^a), by the effects of the victories of Cnæus Manlius Vulso in Asia.

This was A.U.C. 565, and Livy thought the date of the change important enough for commemoration in his history, at the same time letting his readers know that, though the original change was great in itself, it was nothing to what followed, "*Vix tamen illa quæ tum conspiciiebantur semina erant futuræ luxuriæ*," says he. I give these words of Livy, because they reconcile an assertion of Athenæus. In quoting Nicolaus of Damascus, an author of the time of Augustus, he says that Lucullus, after his victories over Mithridates and Tigranes, introduced sumptuous living into Rome.^b The expression is large, and the context shows that cookery is included in it.

Both these dates are no doubt right. That given by Livy is corroborated by the references to the new Greek system, which are sown broadcast through Plautus, while his qualification prepares us for a greater developement of the art.^c And no one could be more distinctly intended for that mission than the magnificent acclimatiser Lucullus.

One thing is incontestable: the Romans attributed the improvement made in their original cookery to the Asiatic Greeks, a school wherein "the cook was a poet, and the mind was the limit of the art."^d

Among other things which a Roman might lawfully do, even *festis diebus, et feriis publicis*, was the cultivation of vegetables, "in horto quicquid olerum causâ facias, omne licet."

^a So when Gaius, the lawyer, wrote, it was an *artificium* in the eye of the law. (Dig. xxi. tit. 1, c. 18, p. 1.) "Venditor qui optimum coquum esse dixerit, optimum in eo artificio præstare debet."

^b ὥκειλεν εἰς πολυτελῆ διαίταν, ἐκ τῆς παλαιᾶς σωφροσύνης. (Athen. vi. 109.)

^c Livy's date is corroborated by the expressions occurring almost *passim* in Plautus, and referring both to the disgraced Roman cookery and to the new Greek forms. The cook in "Pseudolus" (Act iii. sc. 2), says—

"Non ego item cœnam condio, ut alii coei,
Qui mihi condita prata in patinis proferunt,
Boves qui convivas faciunt, herbasque oggerunt,
Eas herbas herbis aliis porrò condiunt."

This change attracted the notice even of the grave declaimer Lucan, lib. 1, vv. 163, 164—

"Non auro, tectisve modus, mensasque priores
Aspernata fames."

^d A cook in a play of Euphron is made to say (Athenæus, i. 13)—

Οὐδὲν ὁ μάγειρος τοῦ ποιητοῦ διαφέρει,
Ὁ νοῦς γὰρ ἐστὶν ἐκατέρω τούτων τέχνη.

The Roman however did not forget his old cookery altogether, but, as I have already intimated, was a vegetarian to the last, the adopted invigorating Greek sauces warming that simple fare into new assimilating life and energy.^a

To the last also he retained his old attachment for his native *Lucanica*, his *botelli*, and his *farcimina*—his sausages and his smoked meat. (See *post*.)

There, as in other matters, his eclecticism and combining power served him in good stead. Upon this Greco-Asiatic inspiration the Romans plunged into gastronomy with the force and fervour of their strong nature.

They now became dinner givers and diners out, a character which they supported down to the days of the honest soldier Ammianus.^b This social reciprocity insured the success of the new cookery. Effect reacted upon cause.

They also devoted themselves to the domestication and improvement of the *matériel*, a study for which their appointments into distant provinces gave them ample verge and opportunity.

In compliance with this passion Sergius Orata and Licinius Murena took their surnames from the contents of their *vicaria*, not from a devastated land, or, as Columella says, "as did others take the names of Numantinus and Isauricus."^c

This enlargement of social science roused an opposition. Ideas of such novelty, taken secondhand from the lively and luxurious Greek, aroused what still remained of the stern and puritanical character of the Romans.

This led to the enactment of the *Lex Fannia*, or perhaps the *Lex Orchia*, one

^a Pseudolus, Act 3, sc. 3—

Ballio. Quid tu? divinis condimentis utere,
Qui prorogare vitam possis hominibus,
Qui ea culpes condimenta.

Cocus. Audacter dicito;
Nam vel duceños annos poterunt vivere,
Meas qui esitabunt escas quas condivero;
Nam ego cicilendrum quando in patinas indidi,
Aut sipolindrum aut macidem aut sancaptidem;
Eæ ipsæ se patinæ fervefaciunt illico.
Hæc ad Neptuni pecudes condimenta sunt.
Terrestres pecudes cicimandro condio,
Aut hapalopside aut cataractria.

Ballio. At te Juppiter
Dique omnes perlant, cum condimentis tuis,
Cumque omnibus tuis mendaciis.

^b Lib. xiv. c. 6, p. 16.

^c Lib. viii. c. 16. "Velut ante devictarum gentium Numantinus et Isauricus, ita Sergius Orata et Licinius Murena captorum piscium letabantur vocabulis." See Festus also, and Macrobius, lib. ii. c. 11.

provision of which went to restrict the number of *convives* at a dinner party, not being members of the family, to three only.^a

The next step was to lessen the pleasures of those who were allowed to assemble, by prohibiting dormice, shellfish, and strange birds brought from another world.^b These latter words are by no means trivial, for they meant pheasant, woodcock, and guinea fowl.

No success could wait on such grim essays at retrogression. They accordingly proved failures, and the efforts of sumptuary laws and censors could not drive the Roman gentleman back into the plain cookery of his ancestors.

So the new cookery and its adherents were left in peace, the art enlarging its bounds from time to time, as the opportunities offered themselves, until nothing more was left to be done in the way of improvement.

This consummation was soon effected in that "Epitome of the Universe," that "City of Heaven," as even the Greeks condescended to call it, where all who loved luxury and all who ministered to it found a congenial home.^c

We may form an exact idea of the pitch of excellence which the Roman *cuisine* attained by a contemplation of the means which were applied by the Romans to their gastronomic ends. In enumerating and describing the *batterie*, I shall draw solely upon the resources of Apicius, without reference to Pompeii or Herculaneum, for the simple reason that our author, though not before *exploité*, is more complete and satisfactory in his references than any mere collection of the material implements themselves can ever pretend to be, though upon such his book forms a most excellent commentary. There are the spit (*veru*), the gridiron (*craticula*), and the frying-pan (*sartago*).

There is the saucepan of every size and measurement (*cacabus*, *cacabulus*, *zema*, *angularis*, *pultarium*).

There is the stewpan of bronze (*patina*, *patella*), and of earthenware (*cumana*).

There is the braising-pan proper (*thermospodion*).

There is the oven (*furnus*), and the Dutch oven (*clibanus*).

There is something else, called by Apicius *operculum*, whose destination it is to be placed, containing its object wrapped in papyrus, over the fire (*super caporem ignis*), or in an oven.^d

^a Athenæus, lib. vi. c. 108. Macrob. lib. ii. c. 13.

^b Plin. Hist. Nat. lib. viii. c. 82. "Glires, quos censoriæ leges, princepsque M. Scaurus in consulatu, non alio modo cœnis ademere, quam conchyliis, aut ex alio orbe convectas aves." See also the same author for similar prohibitions which affected pork. Ibid. c. 77.

^c Athenæus, lib. i. c. 36.

^d Lib. ix. c. 10; lib. v. c. 4.

Sometimes the object to be cooked was put upon what is called by Apicius a *tegula*, and that was placed inside the oven.^a

The *bain marie* pan was in great vogue.^b

There were mechanical means for steaming.^c

Occasionally in boiling, a net (*reticulus*) or a basket (*sportella*) was used.^d

Though, as I have said, the Roman cooks used the braising-pan proper, they, like all sensible artists, could braise in a stewpan as well.

The *patina* or the *patella* was closed; sometimes for greater power of action it was luted, and was then placed in the oven.^e

Jugging was done as with ourselves.^f

Moulds (*formellæ*) were freely used. The pulp was poured inside, and the mould was put into the oven.

These moulds, when specially applied to fish, took the form of fishes, fantastic or true.^g

Straining and skimming are referred to by Apicius, and strainers and skimmers must therefore have been ready to his hand.

A cloth for drying (*sabanus*) is frequently mentioned by him.

Many other ways and means crop up throughout our matter-of-fact author.

Papyrus is used to cover over an object in roasting, or to keep in the stuffing.^h

Sometimes the last-mentioned purpose is attained by tying up the object in a linen cloth.ⁱ

A pig's cawl (*omentum*), though used occasionally for a corresponding purpose, is rather to be considered a component part of the dish.^j

After the cooking was completed, when the setting effect of great and sudden

^a Lib. viii. c. 9.

^b Lib. iv. c. 2. "Ad aquam calidam coques." See also Dr. Lister's note to lib. x., c. 13. Its classical name would seem to be *duplex vas*.

^c See the expression "in ambigas sublatæ." Lib. vi., c. 7.

^d Lib. viii. c. 6. "Vel certe mittitur in reticulo, vel in sportella, et diligenter constringitur." Ibid. c. 7, "in sportella ferventi ollæ submittis."

^e Lib. x. c. 1. "Adjicies in patinam, co-operies gypsabis, coques in furno."

^f Lib. viii. c. 6. "Hædum macerabis in furno in patella quæ oleum habeat."

^g Lib. ix. c. 13. "in formella piscem formabis."

^h Lib. viii. c. 8. "Omento teges, et charta colliges lacinias et surclas." Lib. ix. c. 10: "Impletur et consuitur, involvitur in charta et sic supra vaporem ignis in operculo componitur."

ⁱ Lib. viii. c. 1. "Cum impleta fuerit constringitur illa pars quæ impleta est ex lino, et mittitur in zymam (zemam?)"

^j "Omento tegis," &c.; lib. v. c. 3. "Si volueris, eadem tubera omento porcino involves et assabis;" lib. vii. c. 14.

cold was required, it was obtained by putting the *mets* in a *bain marie* pan containing cold water or snow.^a

The chimneys of Roman kitchens, being roomy and capacious, admitted of objects being hung up in them for the sake of that creosotic relish and sober hue which wood smoke so liberally affords.

Lucanicae (see *post*) were so hung in the interval between their first cooking and their last.^b

Sometimes a hare was in like manner suspended *ad fumum*.^c

Where there existed all these means and appliances so varied and so distinctly available for the refinements of the art, the conclusion is a necessary one, that cookery flourished at Rome in all the power of a complete science.

Fortified by this general conclusion I will now pass on to a consideration of the details, taking first the Roman sauces and their ingredients. As these are the demonstrations of cookery as a fine art, so are they the measure and gauge of its excellence.

Upon these Apicius of course expands himself, his book, like every other genuine compilation of its kind, being *au fond* a record of sauces and ingredients of stews.

It is perhaps supererogatory to observe that our general sauces are formed of meat gravy with the flavouring of onion, spices, and *finer herbes*, the whole being inspirited by the addition of wine. To this conjunction is sometimes added ketchup—rarely anchovy, and where it is required the sauces are sometimes thickened by flour or arrowroot. Sauces like these are also the necessary ingredients of our stews.

Now the Roman sauces are the same in principle, and, with some exceptions, are nearly the same in fact.

In the first place the Romans used profusely the herbs which their country largely possessed and possesses.

These *herbes potagères*, most of them familiar, may be catalogued thus: Lovage, sage, cummin, coriander, marjoram, rue, dill, basil, mint, thyme, wild thyme, fennel, pennyroyal, parsley, saffron, leaves of leeks and of celery (or smillage), asparagus, &c.

^a "In frigidam mittes;" lib. ix. c. 4. "Insper nitem sub ora asperges;" lib. iv. c. 1. Dr. Lister's note upon the last passage is—"Super repositum quoddam ad nitem continendam accommodatum, latis oris."

^b Lib. ii. c. 4.

^c Lib. viii. c. 8: "suspendes ad fumum."

Besides these we find the onion, leek, *ciboule*, garlic, cyperus (the galingale of Chaucer and the *Forme of Cury*), peas, &c.

Seeds also came in for constant use, *e.g.* of celery (or smallage), rocket, carraway, mustard, cummin, aniseed, the berries of rue, laurel, myrtle, juniper, lentise, &c.

Fruits are great favourites in some sauces, *e.g.* pine-nuts, walnuts, filberts, hazel nuts, dates, damsons, plums, raisons, almonds, quinces, &c.

Spices of course are prominent: pepper, long and short, ginger, malobathrum, cassium, folium, costus, spikenard, all products of the East.^a

Besides all these there was another spice, a host in itself, the staple of Cyrene and the Cyrenaica, where it once grew. This was *silphium*, *laser*, or *laserpitium*, used in root, in leaf, and in inspissated juice. This Cyreniac spice, upon whose harvests fluctuated the fortunes of that Greek colony, and which had enriched the Egyptian before them, is now utterly lost; and the same fate has overtaken its substitute, the Parthian or Indian laser, though it is possible the latter is only now unrecognisable.^b

In short, all things which offered zest, that insured flavour, that assisted appetite, and promoted digestion, were imported into sauce and stew.

In modifying and perfecting these sauces honey^c was used where we now apply sugar. Vinegar lent the aid of its sanitary and piquant savour, and oil took the place now occupied by the barbarian butter.

Instead of meat essence, which neither the Greeks nor the Romans thought of, the latter applied wine in its many varieties pure and prepared—in this respect approaching to the practice of ourselves some generations ago.^d

But there the resemblance stops, for the Romans tempered the wine in their

^a Cinnamon, if it be the same as the *cinnamum* of the Romans, does not occur in our author. Though early known at Rome, it was used for the pyre, not in the kitchen—for the dead, never for the living—(see Martial and Ovid). This is an *indiciu*m of the age of the work under review.

^b See Dr. Lister's learned notes to lib. i. c. 30, and lib. vii. c. 5, of Apicius. (It may be observed in addition, that the coins of Cyrene show the *laser* to have been an umbelliferous plant. The *Assafetida* plant (*Ferula Assafetida*, L.) which has commonly been taken for the ancient *laser*, is indeed of this natural order, and is actually used in modern Arab cookery; Dr. Lister however is strongly opposed to this interpretation. See also, Pacho, *Rél. d'un Voyage dans le Cyrénaïque*, Paris, 1827, p. 251.)

^c Sugar was known to exist. Lucan (lib. iii. v. 237) says—"Quique bibunt tenera dulces ab arundine succos."

^d *i.e.* merum, defrutum, carænum, mulsum, passum—all but merum were wines boiled down to different degrees, sometimes with honey. All the Italian wines were more or less strong, taking much time to mature. (Athenæus, lib. i. c. 48.)

saucers with an extraordinary confection called originally *garum*, but afterwards more generally *liquamen*, an invention not of themselves, but of the Greeks.

Like the laser, this also has been lost, and it is to books that we must have recourse for an insight into its elements and manufacture. As to its composition Apicius is wholly silent, though the condiment itself is a matter of perpetual reference in his book. He speaks of it always as being ready to the hand of the cook.

Being at all times made out of Italy,^a there lurks a mystery in the details handed down to us of its mode of preparation. The declared manner of making it however was this:—The intestines, gills, and blood of certain larger fishes, such as tunny, sturgeon, mackerel, or small fishes, indiscriminately in their entirety, were put into an open vat. Salt was mixed with them. The whole was then exposed to the sun for a long time (*in sole inveterantur*). During this process, which could only be chemical, the fishes were stirred and turned. Probably there ensued a liquefaction analogous to that of the mushroom on the action of the salt. Its other name, *liquamen*, would shew this, unless of course that word has reference to any fining process which *garum* had to undergo before it made its appearance in the markets of the Roman world.^b Wine was infused into it at some period, probably when the fermentation had gone far enough. Marjoram and other pot-herbs were also added, probably at the same time and for the same purpose that the wine had been applied, viz. to stay the fermentation and to assist the keeping properties of the mixture. It does not appear that water was ever added, though *garum* occasionally was used with a profusion which might warrant our thinking so. As the final process it was strained and bottled.

This is all that is, and probably ever will be, known of the making of *garum*; but I do not think it contains the whole truth. There must have been something more which the Romans, who did not make it, never knew or could not understand. But, whatever it was, it carried away and led captive the Roman palate, as we shall hereafter see.

When *garum* was not used salt was applied.

^a Hor. lib. ii. sat. 4: "Non alia (i.e. muria) quam qua Byzantia putuit orea." Apul. Metamorph. lib. x. c. 16: "pisces exotico jure perfusos." See also Dr. Lister's note, lib. vii. c. 7.

^b See Dr. Lister's notes to Apicius, lib. i. c. 7, and alibi. He is wrong in thinking that the word *liquamen* was of late introduction. It was not so, for in the triclinium of a house excavated at Pompeii, under the superintendence of Edward Falkener, Esq., there were found two small amphore, having painted on them in black letters "*liquamen optimum*." See the interesting report of that gentleman in the Museum of Classical Antiquities, vol. ii. p. 79.

Of the Roman sauces there were two divisions. The one, called by Apicius *jus simplex*,^a was formed of oil, wine, and garum, or oil, wine, garum, and vinegar. The other, which comprehended this, with the addition of the *herbes potagères*, spices, &c. which I have described, is called by the same artist *tritura*. The latter word shews the means by which these materials were made available for sauce and stew. These agents were the mortar and pestle (*mortarium et pistillum*), true old Italic appliances, the necessary furniture of every kitchen, even that of the miser Euclio.^b The mortar, however, though the general, was not the only appliance. The hand-mill was sometimes, more especially for pepper, when it was required for the purpose of aspersion.^c

To bind or thicken their sauces the Romans used *amylum*^d or starch, bread,^e and *laganum* or wafer biscuits.^f

Eggs raw and cooked, or their yolks only, are used for a like purpose.

Sometimes objects were boiled in vegetable matters, which were not afterwards brought to the table, *e. g.* in sprigs of bay,^g bunches of herbs.^h In like manner, pork was boiled with dry figs and bay leaves.ⁱ

Some sauces were kept by the Romans ready made. Apicius gives us the recipes of these, under the names of *laseratum*, *ænogarum*, *oxyporum*, *hypotrimma*, *oxyporum*, and *moretaria*.

They were formed of the same materials, and in the same manner as the sauces which he prescribes to the various dishes, and therefore require no elucidation.

Wine, oil, and garum, however, were not the only diluents of the materials for the sauces; the gravy of the object itself was an additional element.

Apicius calls this by the singular phrase of *jus de suo sibi*!^k and sometimes, though far less frequently, *succus suus*.

The sketch I have given of the materials of the sauces used in a Roman kitchen

^a Lib. viii. c. 1. So Horace, lib. ii. sat. 4.

^b Aulularia, act i. sc. 3; vv. 17, 18:

“Cultrum, securim, pistillum, mortarium,
Quæ utenda vasa semper vicini rogant.”

^c Dr. Lister's *addendum* to his own preface, quoting Petronius. See also lib. iv. c. 2, “super asperges piper tritum.”

^d Passim.

^e Lib. iv. c. 1.

^f Lib. iv. c. 2.

^g “Elixatur in aqua marina cum lauri turionibus et anetho.” Lib. viii. c. 1.

^h Lib. iv. c. 2. “Allegas fasciculos rutæ et origani; et subinde fasciculos cum aqua elixabis. Cum cocta fuerit, projicies fasciculos.”

ⁱ Lib. vii. c. 9.

^k This phrase is curious enough in itself to deserve illustration. It is true old-fashioned Plautian

will be a sufficient introduction to the Roman dishes themselves, to which I will now address myself, giving examples of each class.

I will take fish first, not only because it presents itself readily to the mind of a modern, but also because fish appears in the first course of the *cæna* of the pontifex Metellus, the *menu* of which, preserved by Macrobius, is well known.

We find it boiled, stewed, baked, and broiled.

We find it stuffed with various ingredients in a manner that would go far to satisfy a customer of the "Ship" and the "Trafalgar."

We find shell-fish treated with their due measure of attention; some kinds of the same fish being formed into a dish which it is not too much to say was the forerunner of that exquisite *plat* lobster rissoles, an invention which even the memory of the poor mad sensualist Heliogabalus cannot depreciate.

The Roman also liked salt fish, though the nearness of his seas and the excellence of his land carriage placed him beyond this article considered as a necessity. It was therefore a voluntary liking on his part, and by the liberality of his sauces and his dressings he converted it into a luxury.

RECIPES FROM APICIUS.

Fish.

*Isicia of Lobster, &c.**—Take off the spawn first; boil the lobster, then chop it up into a fine pulp; pound with eggs, pepper, garum, and shape.

Latinity, and if other proof were wanting would of itself demonstrate the genuineness of the Apician text:—*Captivi*, act i. sc. 2, vv. 12, 13.

"Quasi, cum caletur, cochleæ in occulto latent,
Suo sibi succo vivunt, ros si non cadit."

Amphitruo, act i. sc. 1, v. 116:—

"Atque hunc telo suo sibi malitia, à foribus pellere."

Ibid. v. 174:—

"Illic homo à me sibi malam rem arassit jumento suo."

Asinaria, act iv. sc. 2, vv. 16 and 17:—

"Cum suo sibi gnato una ad amicum de die potare."

The phrase is a rare remnant of the old familiar language of Rome, such as slaves talked so long, that their masters ultimately adopted it—a language of which *Plautus* gives us glimpses, and which the *graffiti* may perhaps help to restore. When *Varius* was emperor, this phrase of the kitchen was as rife as when *Plautus* wrote—a proof that occasionally slang has been long lived.

* *Lib. ii. c. 1. Isicia de lotigine.* "Sublatis crinibus in pulmentum tundes, sicut assolet pulpa; et in mor-

(Being made in moulds, the Roman rissoles would be baked, not fried, as with us.)

Lobster or Crab boiled in the shell.—Chopped onion, pepper, lovage, carraway, cummin, date, honey, vinegar, wine, garum, oil, *defrutum*, mustard.^a

Broiled Lobster.—Open the lobster, pour therein a mixture of garum, pepper, and coriander, and so broil on a gridiron, adding the mixture during the process, so often as the lobster dries.^b

Patinae or Fish Stews.

A patina of Apua.—Wash the apua, steep in oil, lay in a *cumana*; add thereto oil, garum, wine. Tie bunches of rue and marjoram together, and boil them at intervals with the fish. When it is done throw away the bunches, sprinkle pepper, and serve.^c

Patina of Red Mulletts.—Scrape the mullets, lay them in a clean *patina*, add thereto garum, and let it boil. When it is boiling put in *mulsum* and *passum*, sprinkle pepper, and serve.^d

A Patina of Fishes.—Scrape any sort of fishes; chop up dry chalots or any other kind of onion, and put them into a *patina*. Lay the fishes upon them; add thereto garum, oil, and cook; when they are done put some cooked *salsum* (any salt thing, like caviare, &c.) in the midst of them; add vinegar.^e

tario et in liquamine diligentur fricatur; et exinde isicia plassantur." Lib. ix. c. 1. *Aliter Locusta.* "Isicia de cauda ejus sic facies: uvam prius demes, et elixas; deinde pulpam concides, et cum liquamine pipere et ovis isicia formabis." To get a perfect recipe for marine *isicia* these two recipes must be taken together. Apicius also says (lib. ii. c. 1): "Isicia fiunt marina de cammaris et astacis: de loligine: de sepiâ: de locusta."

^a Lib. ix. c. 1. *Jus in Locusta et Carabo induta.* "Cepam pallacanam concisam, piper, ligusticum, careum, cuminum, caryotam; mel, acetum, vinum, liquamen, oleum, defrutum. Hoc jus adjicito sinapi in elixaturis."

^b Ibid. *Locustas assas sic facies.* Aperiantur locustæ, ut assolet, cum testa sua et infunditur iis piperatum, coriandratum, et sic in craticula assantur: cum siccaverint, adjicies iis in craticula, quoties siccaverint, quousque assantur bene, et inferes."

^c Lib. iv. c. 2. "Apnam lavas, ex oleo maceras, in *cumana* compones, adjicies oleum, liquamen, vinum. Alligas fasciculos rutæ et origanum: et subinde fasciculos cum aqua elixabis, cum cocta fuerit, projicies fasciculos et piper asperges, et inferes."

^d Ibid. "Mullos rades, in *patina* munda compones, adjicies liquamen ut ferveat; cum ferbuerit, *mulsum* mittes aut *passum*, piper asperges et inferes."

^e Ibid. "Pisces qualeslibet rades et curatos mittes, cepas siccas Ascalonias, vel alterius generis concides in *patinam*, et pisces super compones; adjicies liquamen, oleum; cum coctum fuerit, *salsum* coctum in medio pones, addendum acetum."

Another Patina of Fish.—Prepare the fish, pound salt and coriander seed well together in a mortar. Put the fish into a *patina* and add the mixture. Cover and lute down (*gypsabis*) the patina, and put into an oven; when it is done sprinkle over it the sharpest vinegar, and serve.^a

A Stuffed Sepia.—Cook the sepia; prepare stuffing as follows:—Pound boiled brains with pepper, mix therewith sufficient raw eggs, whole pepper, and *isicia*, chopped up. Sew up the whole inside the fish, and put into an *olla* of boiling water, so that the stuffing (*impensa*) may unite (*coire*).^b

Sauce for Fried Fish.—Prepare any fish, sprinkle salt over it, and fry. Serve with the following sauce:—Pound pepper, cummin, coriander seed, laser root, marjoram, rue, pour in vinegar, add date, honey, *defrutum*, oil; temper with garum. Pour it out into a *cacabus* (kettle), make it hot; when hot, pour it over the fried fish; sprinkle pepper, and serve.^c

Sauce for a Boiled Fish.—Pepper, lovage, cummin, ciboule (or button onion), marjoram, pine nuts, dates, honey, vinegar, garum, mustard, oil moderately. If you like add raisins.^d

I will next take beef, veal, and mutton.

Beef, as still happens in other hot countries, takes no high place in the *cuisine* of Rome.

Veal has more consideration; but mutton, unless wild, is neglected altogether.

Lamb receives the honours, as is the case in modern Rome; and among its modes of cooking rank the *copadia* or stews, enormously affected by the Romans. This word has been persistently misunderstood by translators, and strangely escaped the comprehension even of Dr. Lister. The *marinade* of lamb is also found.

^a Lib. x. c. 1. "Pisces curabis diligenter, mittis in mortarium salem, coriandri semen, conteres bene, volves eum, adjicies in patinam, cooperies, gypsabis, coques in furno: cum coctus fuerit, tolles: aceto acerrimo asperges et inferes."

^b Lib. ix. c. 4. "—sic farcies sepiam coctam; cerebella elixa enervata teres cum pipere, cui commisceas ova cruda quod satis erit, piper integrum, isicia minuta, et sic consues et in bullientem ollam mittes, ita ut coire impensa possit."

^c Lib. x. c. 1. *Jus diabotanon in pisce frizo.* "Pisces quemlibet cures, salias, friges; teres piper, cuminum, coriandri semen, laceris radicem, organum, rutam fricabis; suffundes acetum; adjicies caryotam, mel, defrutum, oleum; liquamine temperabis, refundes in cacabum, facias ut ferveat. Cum ferbuerit pisces frictum perfundes, piper asperges et inferes."

^d Ibid. *Jus in pisce elixo.* "Piper, ligusticum, cuminum, cepullam, organum, nucleos, caryotam; mel, acetum, liquamen, sinapi, oleum modicè, jus calidum. Si velis, uvam passam."

Recipes for Veal, &c.

Sauce for Veal or Beef, with Leeks or Onions.—Garum, pepper, laser, and a modicum of oil.^a

For Fried Veal.—Pepper, lovage, celery seed, cummin, marjoram, dry onion, raisins, honey, vinegar, wine, garum, oil, *defrutum*.^b

For Boiled Veal.—Pound pepper, lovage, carraway, celery seeds; pour in honey, vinegar, garum, oil; warm it up, thicken with *amylum*, and pour over the meat.^c

Another Sauce for Boiled Veal.—Pepper, lovage, fennel seed, marjoram, pine nuts, dates, honey, vinegar, garum, mustard, and oil.^d

Lamb, Stewed (copadia).—Stew in pepper and garum, together with French beans (*faggiuoli*); when done, pour over it garum, pepper, laser, ground cummin seed; add sippets and oil moderately.^e

Another Stew of Lamb.—Stew with chopped onion and coriander; when done, pour over it sauce made as follows:—Pound pepper, lovage, cummin; add garum, oil, wine; boil and thicken with *amylum*.^f

Broiled Lamb, mariné.—Boil lamb in garum and oil, having first scored it; then steep it in pepper, laser, garum, oil; broil it on a gridiron; touch it up with the same sauce, sprinkle pepper, and serve.^g

Kid is treated in manners identical with those to which lamb is subjected.

Goat may be passed over.

The wild sheep (*ovis ferus*) of Apicius, however, must not be neglected; it still exists as the mouflon in Sardinia.

^a Lib. viii. c. 5. "Liquamen, piper, laser, et olei modicum."

^b Ibid. "Piper, ligusticum, apii semen, cuminum, origanum, cepam siccam, uvam passam; mel, acetum, vinum, liquamen, oleum, defrutum."

^c Ibid. "Teres piper, ligusticum, careum, apii semen; suffundes mel, acetum, liquamen, oleum; calefacies, amylo obligas, et carnem perfundes."

^d Ibid. "Piper, ligusticum, fœniculi semen, origanum, nucleos, caryotam; mel, acetum, liquamen, sinape et oleum."

^e Lib. viii. c. 6. "Pipere, liquamine coques, cum phaseolis paratariis; suffundes liquamen, piper, laser, cuminum tritum, buccellas panis, oleum modicè."

^f Ibid. "Mittes in cacabum copadia, cepam, coriandrum minutim succides. Teres piper, ligusticum, cuminum; liquamen, oleum, vinum: coques; exinanes in patina, amylo obligas."

^g Ibid. "Hædi cocturam, ubi eum ex liquamine et oleo coxeris incisum, infundes in pipere, lasere, liquamine, oleo modice, et in craticula assabis; eodem juro continges, piper asperges et inferes."

Hot Sauce for a Wild Sheep.—Pepper, lovage, cummin, dry mint, thyme, *silphium* (*i. e.* laser), pour in wine—add damsons which have been macerated, honey, wine, garum, vinegar, *passum* (for colouring), and oil. Stir with a bunch of marjoram and dry mint.^a

Venison has many sauces, but there is only space for a few of them.

Recipes for Venison and Hare.

A Sauce for Roast Venison.—Pepper, spikenard, *folium*, celery seed, dry onions, green rue, honey, vinegar, garum—add dates, raisins, and oil.^b

For Boiled Venison.—Pepper, lovage, ciboule, marjoram, pine nuts, dates, honey, garum, mustard, vinegar, oil.^c

For Roast Venison.—Boil and slightly roast the venison, serve with the following sauce: pound pepper, lovage, caraway, celery seed; pour in honey, vinegar, garum, oil, and make it hot; thicken with *amylum*.^d

Hare was enormously esteemed amongst the Romans. We have Martial's dictum:—"Inter quadrupedes mattea prima lepus;"^e and this estimate is confirmed beyond disputation by the series of rich and varied dressings given to it by Apicius. This high authority explains the surprise that Cæsar exhibited at finding that our ancestors would not touch it.^f

A Baked Hare.—First boil it moderately. Then put it into a *patina* and cook it in oil in the oven. When it is nearly done touch it over with more oil and the following sauce. Pound pepper, savory, onion, rue, celery seed, garum, laser, wine, and modicum of oil. Turn over the hare in this sauce until it is thoroughly done.^g

^a Lib. viii. c. 4. "Piper, ligusticum, cuminum, mentham siccam, thymum, silphium; suffundes vinum; adjicies Damascena macerata; mel, vinum, liquamen, acetum, passum ad colorem, oleum; agitabis fasciculo origani et menthæ siccæ."

^b Lib. viii. c. 2. "Piper, nardostachyum, folium, apii semen, cepam aridam, rutam viridem: mel, acetum, liquamen; adjectas caryotas, uvam passam et oleum."

^c Ibid. "Piper, ligusticum, cepullam, origanum, nucleos, caryotas; mel, liquamen, sinape, acetum, oleum."

^d Ibid. "Cervum elixabis et subassabis; teres piper, ligusticum, careum, apii semen; suffundes mel, acetum, liquamen, oleum calefactum; amylo obligas et carnem perfundes."

^e Schneidewin's edition, lib. xiii. epig. 92.

^f Comm. lib. v. c. 12. "Britanni leporem gustare fas non putant."

^g Lib. viii. c. 8. "*In leporem madidum.* In aqua præcoquitur modice, deinde componitur in patina, ac coquitur oleo in furno, et cum prope sit coctus, ex alio oleo pertangito et de conditura infra scripta: teres piper, satureiam, cepam, rutam, apii semen; liquamen, laser, vinum et modicum olei; aliquoties versatur; in ipsa percoquitur conditura."

A Stuffed Hare.—Make the following stuffing:—Take whole pine nuts, almonds, walnuts, cut up whole peppercorns, the hare's liver and lights chopped up,^a and raw eggs, all beaten together; stuff the hare, and cover with a pig's cawl, and bake in the oven. When it is done serve with the following sauce: rue, pepper, onion, savory, dates, garum, *carænum*, or a *conditum*. Let this sauce boil together a long time until it thickens.^b

Sauce for a Roast Hare.—Pepper, lovage, cummin, celery seed, half a hard boiled egg. Pound and make a ball of them. Then in a small *cacabus* boil garum, wine, oil, vinegar (moderately), chopped ciboule. Afterwards put in the ball and stir the whole with marjoram or savory. If necessary thicken with *amylum*.^c

For a Boiled Hare.—Serve with the following sauce: Oil, garum, vinegar, *passum*, chopped onion, and green rue, thyme cut up with a knife.^d

Stewed Hare.—Stew in wine, garum, water, mustard (moderate), dill and leek with the green leaves. When it is done serve with the following sauce: Pepper, savory, round onion, dates, two damsons, wine, garum, *carænum*, oil (moderately). Thicken with *amylum*.^e

We now come to wild boar and pork.

The first was in high esteem; but the latter was more, it was a passion of the Roman palate.

^a In the original "pulpam de ipso lepore." The word *pulpa* was used in this sense as regarded other animals, their own interiors being used for stuffing them. It is this sense which gives point and application to the expression "Lepus tute, pulpamentum queris." (Eunuch. act iii. sc. 1, v. 36,) i.e. having all the materials necessary in yourself, you seek them from a foreign source.

^b Lib. viii. c. 8. "In leporem farsum. Nucleos integros, amygdala, nuces juglandes concisas, piperis grana solida, pulpam de ipsa lepore et ovis fractis, obligatur de omento porcino in furno. Sic iterum impensam facies. Rutam, piper satis, cepam, satureiam, dactylos, liquamen, carænum vel conditum: diu combulliat, donec spisset et sic perfundatur."

^c Ibid. "Jus album in assum leporem. Piper, ligusticum, cuminum, apii semen, ovi duri modicum: tritum colligis, et facies globum ex ea. In cacabulo coques liquamen, vinum, oleum, acetum modice, cepullum concisam; postea globum condimentorum mittes et agitabis origano vel satureia. Si opus fuerit, amylos."

^d Ibid. "Ornas, adjicies in lancem oleum, liquamen, acetum, passum; cepam concides et rutam viridem, thymum subcultrabis, et sic apponis."

^e Ibid. "Coques ex vino, liquamine, aqua, sinapi modico, anetho, porro cum capillo suo. Cum se coxerit, condies; piper, satureiam, cepe rotundum, dactylos, Damascena duo; vinum, liquamen, carænum, oleum modice; stringatur amylo, modicum bulliat, conditur lepus, in patina perfunditur."

Pliny, speaking for his own times, says that there were fifty savours given to pork^a; while by the time of Heliogabalus there were more than eighty, as our Apicius shews, so greatly had they cultivated their favourite.

Pork is roasted, broiled, fried, baked, boiled, and stewed.

We find it also in the shape of womb, neck or brawn, cutlets (*lumbi*), tails, petty toes, belly, and liver, each treated à *tour de rôle* in all the ways that ingenuity could devise.

There is a dish called *ofellæ* formed of any solid part of the hog broiled or fried, and more generally *mariné*. This was the especial delight of the Roman. "Rogo vos quis potest sine offulâ vivere?" asked the Emperor Claudius.^b

With the roast, the broiled, the fried, and the baked, mustard is never used: laser performs its function. With boiled and stewed (*elixa* and *copadia*) mustard is always *de rigueur*.

The kidneys and the lights are tastefully treated.

We trace the haggis to its true and original form, pork being substituted by the Roman cooks for mutton.

The sucking pig takes honours, and is dressed in sixteen different ways.

All these were fresh, but the Roman was equally strong in salted pork.

The latter, in the forms which he most affected, were the *perna* (ham), and the *petaso* (hand). These last were not always used singly, but were, as we shall see, component parts of other dishes.

There was also *laridum* or bacon.

We may not, however, wonder that the Roman admired his pork. He fed the porker upon figs, and so commonly did he do so, that the word *ficatum*, from being first applied to the liver of a pig so fed, afterwards superseded *jecur* altogether—as it still does in the languages of all the existing Latin peoples.^c

When their fatal day arrived, the end of these pigs was as poetical as their sagination. They died of apoplexy, brought on by the sudden administration of *mulsum*, the nearest approach ever made in sober fact to "dying of a rose in aromatic pain."^d

^a Hist. Nat. lib. viii. c. 72. "Neque alio ex animali munerosior materia ganæ, quinquaginta prope sapes, cum cæteris singuli."

^b Suet. in vita Claudii, c. 40.

^c See Dr. Lister's note to lib. vii. c. 3.

^d Plin. Hist. Nat. lib. viii. c. 77. "Inventum M. Apicii: fico arida carica saginatis, ac satietate necatis repente mulsi potu dato."

Recipes for Boar and Pig.

Baked Boar.—Sponge it, and sprinkle it over with salt and pounded cummin, and let it remain a day. On the following day put it into the oven. When done sprinkle ground pepper over, and serve with this sauce, viz. honey, garum, *carænum*, and *passum*.^a

Boiled Boar.—Boil him in sea water, with sprigs of bay, until the skin is sufficiently sodden to be taken off. Serve with salt, mustard, and vinegar.^b

Hot Sauce for Roast Boar.—Pepper, fried cummin, celery seed, mint, thyme, savory, flowers of *cnicus*, roasted pine nuts, roasted almonds, honey, wine, garum, vinegar, oil (moderately).^c

Stewed Pork.—Stew in pepper, thyme, cummin, celery seed, fennel, rue, myrtle berries, raisins, temper with *mulsum*, stir with stem of savory.^d

Do.—Stew with pepper, celery seed, carraway, savory, flowers of *cnicus*, ciboule, roasted almonds, dates, garum, oil, modicum of mustard, colour with *defrutum*.^e

Baked Pork.—Serve, sprinkled with much salt together with honey.^f

Roast Pork.—Boil in salt, then roast and serve with the following sauce:—Pound myrtle berries stoned, with cummin, pepper, honey, garum, *defrutum*, and oil. Make it hot and thicken with amyllum, sprinkle pepper, &c.^g

Boiled Pork.—Serve with this sauce: pepper, parsley, ciboule, date, garum, vinegar, modicum of oil.^h

Pork Haggis.—Empty well, wash with vinegar and salt, afterwards with water,

^a Lib. viii. c. 1. "Spongiatur et sic aspergitur ei sal, cuminum tritum, et sic manet. Alia die mittitur in furnum; cum coctus fuerit, perfunditur piper tritum. Condimentum aprinum; mel, liquamen, *carænum* et *passum*."

^b Ibid. "Aquâ marinâ cum ramulis lauri aprum elixas, quousque madescat; corium ei tolles; cum sale, sinape, aceto inferes."

^c Ibid. "Piper, cuminum frictum, apii semen, mentham, thymum, *satureiam*, *cnici* flores, nucleos tostos, amygdala tosta, mel, vinum, liquamen, acetum, oleum modice."

^d Lib. vii. c. 6. "Piper, thymum, cuminum, apii semen, feniculum, rutam, baccam myrthæ, uvam passam; mulso temperabis, agitabis ramo *satureiæ*."

^e Ibid. "Piper, apii semen, *careum*, *satureiam*, *cnici* flores, cepullam, amygdala tosta, caryotam, liquamen, oleum, sinapis modicum; *defruto* coloras."

^f Lib. vii. c. 5. "*Assaturam assam a furno simplicem*. Sale plurimo conspersam cum melle inferes."

^g Ibid. "Myrthæ siccæ baccam exenteratam cum cumino, pipere, melle, liquamine, *defruto*, et oleo teres, et fervefactum amyllum, carnem elixam sale subassatam, perfundes; piper asperges et inferes."

^h Lib. vii. c. 6. "Piper, petroselinum, cepullam, caryotam; liquamen, acetum, olei modicum; perfundis calido jure."

and fill with the following stuffing:—Pound pig's fry, beat up with three brains, and raw eggs, pine nuts, whole pepper. Temper this mixture as follows:—Pound pepper, lovage, silphium (*i. e.* laser), aniseed, ginger, modicum of rue, garum, and modicum of oil. Fill the stomach lightly, so that it burst not in the cooking. Skewer it and put it into an *olla* of boiling water. Take it out occasionally and prick it with a needle to prevent its bursting. When it is half done take it out and hang it up in the smoke to colour; afterwards take it down and finish cooking it in garum, wine, and a modicum of oil. Open it with a knife and serve with garum and lovage.^a

Kidneys Broiled.—Lay them open and sprinkle over them pounded pepper, pine nuts, coriander chopped up fine and fennel seed pounded. Then turn them back and sew them together, cover with a cawl and boil slightly in oil and garum. Afterwards bake in Dutch oven or broil on gridiron.^b

Liver Mariné.—Steep in garum, wrap in a cawl, with pepper, lovage, and laurel berries, and broil on gridiron.^c

Cutlets are eaten with pepper, garum, and laser.^d

The Belly, which every scholar knows was a favourite, is thus treated:—Boil, sprinkle with salt, put into the oven, or broil moderately on the gridiron. Serve with the following sauce: garum, wine, and *passum*; thicken with *amylum*.^e

Ofellæ remain.—The reader knows the verse of Martial: "*Rara tibi curva craticula sudet ofella*."^f

^a Lib. vii. c. 7. "*Ventrem porcinum. Bene exinanes, aceto et sale, postea aqua lavas, et sic hac impensa imple. Pulpam porcinam tunsam tritam, ita ut enervata commisceas cerebella tria et ova cruda, cui nucleos infundis, et piper integrum mittis, et hoc jure temperas. Teres piper, ligusticum, silphium, anisum, zingiber, rutæ modicum, liquamen optimum, et olei modicum: reple aqualiculum, sic ut laxamentum habeat, ne dissiliat in coctura; surclas, amylos, et in ollam bullientem submittis, levas et pungis ac ne crepet; cum ad dimidias coctus fuerit, levas et ad fumum suspendis ut coloretur, et denno eum perlatabis, ut coqui possit; deinde liquamine, mero, oleo modico; et cultello aperies, et cum liquamine et ligustico apponis.*"

^b Lib. vii. c. 8. "*Lumbuli et renes assi ita fiunt. Aperiantur in duas partes, ita ut expansi sint, et aspergitar iis piper tritum, nuclei, et coriandrum concisum minutatim factum, et semen fœniculi tritum; deinde lumbuli revolvuntur et consuuntur et involvuntur in omento, et sic prædurantur in oleo et liquamine; inde assantur in clibano vel craticula.*"

^c Lib. vii. c. 3. "*Ficatum præcidis ad cannam, infundis in liquamine; piper, ligusticum, baccas lauri duas; involves in omento, et in craticula assas et inferes.*"

^d Lib. vii. c. 1. "*Callum, lumbelli, codicula, ungellæ. Piper, liquamen, laser; apponis.*"

^e Lib. vii. c. 2. "*Sumen elixas, de cannis surclas, sale asperges et in furnum mittis vel in craticula subassas; teres piper, ligusticum; liquamen, merum et passum, amylo obligas et sumen perfundis.*"

^f Lib. xiv. epig. 221.

Apician Ofellæ.—Take the bone out of the *ofellæ*, roll them up, skewer them, and put them into the oven; afterwards boil them slightly, and take them out when they begin to exude their natural gravy; then crisp them over a slow fire on the gridiron so as not to burn them. Then prepare the following sauce: pound pepper, lovage, *cyperus*, cummin; temper with garum and *passum*; put the *ofellæ* and these ingredients into a *cacabus* and stew. When they are done take them out and dry them entirely; sprinkle pepper and serve.^a

Another way.—Marinate the *ofellæ* in abundant *œnogarum*; then fry. Sprinkle pepper and serve.^b

Ostian Ofellæ.—Score the *ofellæ* deep into the skin. Prepare the following marinade: pound pepper, lovage, dill, cummin, silphium (*i.e.* laser), one laurel berry; pour in garum; pour the mixture back into an *angularis* where the *ofellæ* are; let them remain two or three days; take them out, skewer them together crosswise and put them into the oven; when they are done separate them and serve with the following sauce: pound pepper, lovage; pour in garum and *passum* (moderately) to sweeten; make it hot, and thicken with *amyllum*.^c

A *perna*, or ham, would be boiled with figs and bay leaves.^d

A less eligible plan was adopted for bacon. It was boiled in dill water with oil and salt.^e

The Pig was treated thus:—

A Roast Pig.—Pound pepper, rue, savory, onion, yolks of boiled eggs, garum, wine, oil. Let the mixture boil. Pour it over the pig and serve.^f

A Boiled Pig with Cold Sauce.—Pound pepper, carraway, dill, marjoram,

^a Lib. vii. c. 4. "*Ofellæ Apicianæ*. Ofellas exossas, in rotundum complicas, surclas, ad furnum admoves, postea præduras, levas ut humorem expuant; in craticula igni lento exiccabis ita ne urantur. Teres piper, ligusticum, cyperin, cuminum, liquamine et passo temperabis; cum hoc jure ofellas in cacabum mittis; cum coctæ fuerint, levas et siccas, sine jure, pipere asperso inferes."

^b Lib. vii. c. 4. "*Aliter ofellas in sartagine*, abundanti œnogaro: piper asperges et inferes."

^c Lib. viii. c. 4. "*Ofellæ Ostienses*. Designas ofellas in cute ita ut cutis sic remaneat; teres piper, ligusticum, anethum, cuminum, silphium, baccam lauri unam; suffundis liquamen; fricas; in angularem refundis simul cum ofellis; ubi requieverit in condimentis biduo vel triduo, ponis, surclas decussatim et in furnum mittis. Cum coxeris, ofellas quas designaveris, separabis et teres piper, ligusticum; suffundis liquamen, et passum modicum, ut dulce fiat. Cum ferbuerit jus, amylo obligas."

^d Lib. vii. c. 9.

^e Ibid.

^f Lib. viii. c. 7. "Teres piper, rutam, satureiam, cepam, ovorum coctorum media: liquamen, vinum, oleum: bulliat conditura, porcellum in boletari perfundes et inferes."

moderately, pine nuts; pour in vinegar, garum, *carænum*, honey, mustard made up. Drop oil over. Sprinkle pepper and serve.^a

A Pig with Stuffing.—Bone the pig and clean out the interior. Put therein thrushes, beccaficos, its own interiors cut into mincemeat, *lucanicæ* (see *post*), dates stoned, dried onions, snails taken out of the shells, mallows, beets, leeks, celery, boiled cabbage sprouts, coriander, whole pepper, pine nuts; pour fifteen eggs over this, then peppered garum. Put in three boiled eggs, sew the pig up, and boil slightly, then bake in the oven; then cut it through the back and pour the following sauce over it: pound pepper, rue, garum, *passum*, honey, modicum of oil; boil and thicken with *amylum*.^b

A Pig with Stuffing.—Clean out the interior of the pig by the throat, and fill with the following stuffing: Pound an ounce of pepper, honey, wine. Put into a *cacabus* and make it hot, break a dry biscuit into bits, and mix up with it. Stir with a twig of green laurel, and boil until the whole is thickened. Fill the pig with this; skewer, stop up with paper, and put into the oven to bake.^c

How the Romans treated birds and fowls next deserves our consideration.

As "Murray" truly observes of the modern Romans, that they eat all birds, from an eagle to a tomtit, so we see in Apicius that their ancestors just as proportionately appreciated the feathered creation, affecting the whole of it, from ostriches to *avicellæ*—that endearing term being as rife in our artist's book as *ucceletti* is upon the tongue of the modern Italian.

Birds were roasted, boiled, and stewed, but much more generally were served in the latter fashion.

The same remark also applies to fowls or chickens, ducks, and geese.

^a Lib. viii. c. 7. "*Jus frigidum in porcellum elizum ita facies*: Teres piper, careum, anethum, origanum modice, nucleos pineos; suffundes acetum, liquamen, carænum, mel, sinape factum; superstillabis oleum, piper asperges et inferes."

^b Ibid. "*In porcellum hortulanum*. Porcellus hortulanus exossatur per gulam in modum utris, mittitur in eo pulsus isiciatus, particulatim concisus, turdi, ficedulæ, isicia de pulpa sua, lucanicæ, dactyli exossati, fabriles bulbi, cochleæ exemptæ, malvæ, betæ, porri, apium, coliculi elixi, coriandrum, piper integrum, nuclei; ova quindecim superinfunduntur; liquamen piperatum; ova mittuntur tria, et consuitur et præduratur; in furno assatur. Deinde à dorso scinditur, et jure hoc perfunditur: piper teritur, ruta; liquamen, passum, mel, oleum modicum; cum bullierit, amylum mittitur."

^c Ibid. "*Porcellus ass a tractomellitus*: porcellum curabis, à gutture exenteras, siccas. Teres piperis unciam, mel, vinum: impones, ut ferveat, tractam siccitam confranges, et partibus cacabo permisces; agitabis surculo lauri viridis; tandiu coques, donec lenis fiat et impinguet. Hac impensa porcellum imples, surclas, obturas charta, in furnum mittes, exornas et inferes."

Fowls are often stuffed.

Some birds are baked in pasties.

The Romans also had the notion of giving their birds a preparatory boiling with their feathers on.^a

This was done to prevent the loss of fat which would ensue upon the plucking of the bird in its raw state, "ne liquescant," says our great authority.^b

"All birds," says he in the same passage, "will be better if they are boiled with their feathers on before being gutted."^c

Sometimes the birds are steamed for the same purpose.^d

In regard to the stuffing of fowls it is more generally permanent, but sometimes it is taken out after the cooking is complete, *e. g.* olives are so served.^e

Recipes for Poultry, &c.

A Duck Stewed with Turnips.—Stew the duck with turnips, water, salt, and dill in an *olla* until the duck is half done. Take the turnips out; mash them. Take the duck out also, and put into a *cacabus* with oil, garum, and a bunch of leek and coriander. Then put in the turnips over the duck. Pour in *defrutum* to colour. Prepare the following sauce: pepper, coriander, laser-root; pour in vinegar and the broth of the duck itself, and make it hot, and thicken with *amyllum*. Pour over the duck and the turnips.^f

Amongst sauces for "various birds" we find the following:—

Pepper, lovage, parsley, dry mint, dill flowers; pour in wine, add filberts and roasted almonds, honey (moderately). Temper with wine, vinegar, and garum. Put oil in, and warm in a *pultarium*. Stir with green celery and catmint. Score the bird; pour over the sauce and serve.^g

^a Lib. vi. c. 3.

^b Lib. vi. c. 7.

^c Ibid.

^d Ibid.

^e Lib. vi. c. 6.

^f Lib. vi. c. 2. "*Gruem, vel Anatem ex rapis.* Lavas, ornas, et in olla elixabis cum aqua, sale et anetho, dimidia coctura. Rapas quoque, ut exbromari [*expromari*, Lister; *exbromari*, Schuch: from the MSS. *Βρόμος*, seu *Βρώμος*, virus; *Βρομώδης*, virosus, immundus.] possint, levabis de olla, et iterum lavabis, et in cacabum mittis anatem cum oleo et liquamine, et fasciculo porri et coriandri; rapam lotam et minutatim concisam desuper mittis, facies ut coquatur modica coctura, mittis defrutum ut colore. Jus tale parabis: Piper, cuminum, coriandrum, laseris radicem; suffundis acetum, et jus de suo sibi; reexinanies super anatem et ferveat; cum ferbuerit, amylo obligabis, et super rapas adjicies; piper asperges et appones."

^g Lib. vi. c. 5. "Piper, ligusticum, petroselinum, mentham siccam, anethi flores; vinum suffundes; adjicies ponticam vel amygdala tosta, mel modicum; vino, aceto, et liquamine temperabis; oleum in pultarium super jus mittis, calefacies; agitabis jus apio viridi et nepeta; avem incaraxas et perfundis."

A Sauce for a Boiled Goose.—Pepper, carroway, cummin, celery seed, thyme, onion, laser-root, pine nuts roasted, honey, vinegar, garum, and oil.^a

A Stewed Duck.—Stew the duck in pepper, dried onion, lovage, cummin, celery seed, plums or damsons stoned, *must*, vinegar, garum, defrutum, oil.^b

For a Boiled Partridge.—Pepper, lovage, celery seed, mint, myrtle berries, and raisins, honey, wine, vinegar, garum, and oil; use this cold.^c

For a Roast Pigeon.—Pepper, lovage, coriander, carraway, dry onion, mint, yolk of egg, dates, honey, vinegar, garum, oil, and wine.^d

For a Boiled Pigeon.—Pepper, lovage, parsley, celery seed, rue, pine nuts, dates, honey, vinegar, garum, mustard, and oil (moderately).^e

For a Guinea Fowl.—First boil the fowl, then sprinkle with laser and pepper, and roast; prepare the following sauce:—Pound pepper, cummin, coriander seed, laser root, rue, dates, pine nuts; pour vinegar, honey, garum, and temper with oil; make hot, and thicken with *amylum*; pour over the fowl, sprinkle pepper, and serve.^f

Cold Sauce for a Boiled Chicken.—Put into a mortar dill seed, dry mint, laser root, and pound; pour in vinegar; add dates; pour in garum; add a modicum of mustard and oil; temper with defrutum; pour the sauce over the chicken.^g

A Roast Chicken, mariné.—First boil the fowl, then dry on a cloth, score, and marinate in a mixture of honey and garum; then roast; pour over its own gravy in boiling; sprinkle pepper and serve.^h

^a Lib. vi. c. 5. "Piper, careum, cuminum, apii semen, thymum, cepam, laseris radicem, nucleos tostos; mel, acetum, liquamen et oleum."

^b Lib. vi. c. 2. "Piper, cepam siccam, ligusticum, cuminum, apii semen, pruna vel Damascena enucleata, mustum, acetum, liquamen, defrutum, oleum, et coques."

^c Lib. vi. c. 3. "Piper, ligusticum, apii semen, mentham, myrtham et baccas, vel uvam passam; mel, vinum, acetum, liquamen et oleum; uteris frigido."

^d Lib. vi. c. 4. "Piper, ligusticum, coriandrum, careum, cepam siccam, mentham, ovi vitellum, caryotam, mel, acetum, liquamen, oleum et vinum."

^e Ibid. "Piper, ligusticum, petroselinum, apii semen, rutam, nucleos, caryotam; mel, acetum, liquamen, sinape, et oleum modice."

^f Lib. vi. c. 9. "*Pullus Numidicus.* Pullum curas, elixas, lavas (*potius levas*), lasere et pipere aspersum assas; teres piper, cuminum, coriandri semen, laseris radicem, rutam, caryotam, nucleos; suffundis acetum, mel, liquamen; et oleo temperabis. Cum ferbuerit, amylo obligas, pullum perfundis, piper aspergis et inferes."

^g Ibid. "*In pullo elixo jus crudum.* Adjicies in mortarium anethi semen, mentham siccam, laseris radicem, suffundis acetum; adjicies caryotam; refundis liquamen; sinapis modicum et oleum; defruto temperas, et sic mittis."

^h Ibid. "Mellis modice, liquamine temperabis: lavas (*lege levas*) et sabano mundo siccas, charaxas, et jus scissuris infundis ut combibat; et cum combiberit, assabis et suo sibi jure pertangis, piper asperges et inferes."

Sauce for a Roast Chicken.—Modicum of laser, six scruples of pepper, an *acetabulum* of oil, an *acetabulum* of garum, a modicum of parsley.^a

A Stuffed Chicken.—Draw the chicken so that nothing remains in it; then make the following stuffing:—Pound pepper, lovage, ginger, the liver, &c. of the chicken chopped up, boiled *alica* (grits), pounded pig's brains (stewed); break eggs, and beat up the whole mass; temper with garum, and put in oil (moderately), whole pepper, pine nuts (abundantly); fill the fowl with this stuffing, so that it have room for expansion (*laxamentum*).^b

Having disposed of the roast and the boiled, I will now take four forms of known cookery of more pretension, or at least greater complication. I mean the *isicia*, the *patina*, the *minutal*, and the *salacacabia*. The first are in reality *rissoles*, *croquettes*, and *quenelles*, the materials being pounded.

The fish *isicia* have been described. The meat *isicia* (*quenelles* and *croquettes*) remain. Of these the Roman *quenelles* were made as follows:—

Peacock, pheasant, rabbit, chicken, or sucking pig were pounded in a mortar and then simmered in sauces of the usual Roman type, generally pepper, garum, and wine, until the mass was set.^c

The Roman *kromeskys* were called *isicia omentata*, because they were covered with a pig's caul and thus fried with wine.^d

The *patina*, which took some variation of form, was a great favourite at Rome. Everybody remembers what Sanga in the "Eunuch" says,—"Jamdudum animus est in patinis."^e

We have already seen this dish so far as regards fish. There it was a stew

^a Lib. vi. c. 9. "*Pullus paroptyus*. Laseris modicum, piperis scrupulos sex, olei acetabulum, liquaminis acetabulum, petroselini modicum."

^b Ibid. "*Pullus farsilis*. Pullum sic ne aliquid in eo remaneat à cervice expedies; teres piper, ligustinam, zingiber, pulpam cæsam, alicam elixam; teres cerebellum ex jure coctum; ova confringes et commisces ut unum corpus efficias; liquamine temperas, et oleum modice mittis, piper integrum, nucleos abundantes, fac impensam et imple pullum, ita ut laxamentum habeat."

^c Lib. ii. c. 2. "*Isicia de pavo* primum locum habent. . . . Item secundum locum habent de phasianis. Item tertium locum habent de cuniculis. Item quartum locum habent de pullis. Item quintum locum habent de porcello tenero." For the pounding see lib. ii. c. 1; for the rest of the process see chap. ii. of the same book. "Teres piper, ligusticum, pyrethrum minimum; suffundes liquamen, temperas aqua cisternina, dum inducet, exinanes in cacabo, tum isicia ad vaporem ignis pones, et caleat et sic sorbendum inferes."

^d Lib. ii. c. 1. "*Isicia omentata*. Pulpam concisam teres cum medulla siliginis in vino infusæ; piper et liquamen si velis, et baccam myrtheam exenteratam simul conteres. Pusilla isicia formabis; intus nucleis et pipere positis; involuta omento subassabis cum caræno."

^e Act iv. sc. 9, v. 46.

merely; we shall now see it in a more complex shape, and it will hereafter appear again as a *compôte* of fruit.

Recipes for various Patinæ.

An every-day Patina.—Pound boiled brains, then pepper, cummin, laser, with garum, *carænum* with milk and eggs. Boil over a slow fire or in a bain marie.^a

Another Patina.—Roast pine apples and walnuts, and pound them with honey, pepper, garum, milk, and eggs, and a little oil. Boil as before.^b

Another Patina.—Pound the stalk of lettuce with pepper, garum, *carænum*, water, and oil. Boil, bind with eggs, sprinkle pepper, and serve.^c

A cold Patina of Asparagus.—Take cleaned asparagus and pound them gently in a mortar: pour in water and pound again. Then strain through a strainer. Then prepare the following mixture: pound six scruples of pepper, add thereto garum, and pound gently and slowly. Put this into a *cacabus* with one cyathus of wine, one cyathus of *passum*, three ounces of oil, and boil. Then grease a *patina*, put therein the juice of asparagus, mix therewith six eggs with *œnogarum*. Lay therein beccaficos prepared for cooking. Cover the *patina* up with charcoal for braizing, and cook. When done sprinkle pepper, and serve.^d

A Patina of Gourds.—Lay gourds boiled and fried in a *patina*; pour over them *cuminatum*, adding thereto a modicum of oil. Boil and serve.^e

These examples of the *patina* proper speak for themselves, and I will only call the reader's attention to this one fact: eggs always enter into its composition, milk sometimes is present, sometimes is absent.

The *minutal*, examples of which follow, contains neither milk nor eggs; but biscuit,

^a Lib. iv. c. 2. "*Patina quotidiana.* Cerebella elixata teres, tum piper, cuminum, laser cum liquamine, *carænum* cum lacte et ovis, ad ignem levem vel ad aquam calidam coques."

^b Ibid. "*Patina versatilis.* Nucleos, nuces fractas, torres eas, et teres cum melle, pipere, liquamine, lacte et ovis; olei modicum."

^c Ibid. *Thyrsum lactuæ* teres cum pipere, liquamine, *caræno*, aqua, oleo; coques; ovis obligabis, piper asperges et inferes."

^d Ibid. "Accipies asparagos purgatos, in mortario fricabis; aquam suffundes, perfricabis; per colum colabis; et mittes ficedulas curatas; teres in mortario piperis scrupulos vi.; adjicies liquamen, fricabis, vini cyathum i., passi cyathum i., olei unc. iii., mittes in *cacabum*, illic ferveant; perunges *patinam*; in eâ ova vi. cum *œnogaro* misces; cum succo asparagi impones cineri calido, misces impensam *suprascriptam*; tunc ficedulas compones; coques; piper asperges et inferes."

^e Ibid. "*Cucurbitas* elixas et frictas in *patina* compones, *cuminatum* superfundes, modico oleo superadjecto; fervere facias, et inferes."

or some other kind of bread, is always an element. The materials also are chopped or minced, not pounded.

A Marine Minutal.—Stew your fishes in a *cacabus*, in garum, oil, wine, with leeks and coriander chopped up. Then take out the bones and mince the fishes very small. Put in also sea *urticæ*, washed well and boil. When they are done pour in mixture made as follows, viz.: pound pepper, lovage, marjoram; pour over garum, some of the mixture in which the fish has been boiled; empty the whole into the *cacabus*; boil the whole up, break a piece of biscuit to bind; shake up; sprinkle pepper, and serve.^a

An Apician Minutal.—Put into a *cacabus* oil, garum, wine, leeks, mint, little fishes cut up small, cocks' testicles, and pigs' kernels. Stew all these well down, and when they are done make and pour in the following mixture, viz.: pound pepper, lovage, green coriander or coriander seed; pour over garum; add a *modicum* of honey and some of the mixture in which the whole has been boiled; temper with wine and honey; boil and thicken with broken biscuits; stir it up altogether; sprinkle with pepper, and serve.^b

Now comes the *Salacacabia*. Upon this I will only remark that cheese and bread are essential elements in it: that it was evidently a small dish from the diminutive *cacabulus* being used in its dressing, and that it was always *set* by the sudden application of cold.

A Salacacabia.—Pound together in soft water pepper, mint, parsley, dry pennyroyal, cheese, pine nuts, honey, vinegar, garum, yolks of eggs. Then prepare the dish as follows: lay in a *cacabulus* bread previously soaked in *posca*, cow-milk cheese, cucumbers, interposing pine nuts between the two; lay over them dry onions and fowl's liver chopped small; then pour over the whole the mixture first

^a Lib. iv. c. 3. "*Minutal marinum*. Pisces in cacabum mittes; adjicies liquamen, oleum, vinum, cocturam; porros capitatos, coriandrum, minutatim concides; isiciola de piscibus minuta facies; et pulpas piscis cocti concerpis (?); urticas marinas bene lotas mittes; hæc omnia cum cocta fuerint, teres piper, ligusticum, origanum, fricabis; suffundes liquamen, jus de suo sibi, exinanes in cacabum; cum ferbuerit, tractam confringes, obligas, agitas; piper asperges et inferes."

^b Ibid. "*Minutal Apicianum*. Oleum, liquamen, vinum, porrum capitatum, mentham, pisciculos, isiciola minuta, testiculos¹ caponum, glandulas porcellinas. Hæc omnia in se coquantur. Teres piper, ligusticum, coriandrum viridem vel semen; suffundis liquamen; adjicies mellis modicum et jus de suo sibi; vino et melle temperabis; facias ut ferveat. Cum ferbuerit, tractam confringes, obligas, coagitas; piper asperges, et inferes."

¹ This expression may require a comment. See Varro de R. R. lib. iii. c. 9, quoted by Dr. Lister. "Gallos castrant, ut sint capi, candenti ferro inurentes calcaria ad infima crura, usque dum rumpantur."

mentioned, and boil. After this set the whole by placing the *cacabus* over cold water.^a

Apician Salacacabia.—Pound celery seed, dry pennyroyal, dry mint, ginger, green coriander, stoned raisins; add honey, vinegar, oil, and wine. Prepare your dish as follows: place in a *cacabulus* three slices of Picentine bread (a sponge cake), lay between them fowl's livers, kid's kernels, Vestine cheese, pine nuts, cucumbers, dry onions chopped up; pour the before-mentioned mixture over and boil; then set by, putting the *cacabulus* into a vessel fixed with snow.^b

The Romans cultivated the pastry of meat or bird, and this seems the only form in which they used dough or paste.

Apicius gives an example of a ham pie.^c At the Cæna Metelli there are pasties of fowl, "*altitia ex farina involuta*," and our own author recommends the same method to be applied to storks and herons, *i.e.* if *aves hircosæ*, the term which he uses, mean those birds.^d

Pretty well all our present vegetables were *exploités* by the Romans, who were great vegetarians, as I have before remarked. They boiled and sometimes stewed these vegetables. Mushrooms, the large and the small, were in great favour.

The truffle, though much appreciated, was regarded as yielding the palm to the large mushroom (*boletus*). In the opinion of Tiberius,^e the *boletus*, the *beccafico*, the oyster, and the thrush (grape-fed, of course,) could only be rivalled by each other.

Raw salads, as with ourselves and the French, were in vogue; but at the same time the ancient, like the modern, Italian, affected them boiled also.

Besides the simpler forms of cooking vegetables, there are certain complicated

^a Lib. iv. c. 1. "Piper, mentham, petroselinum, apium, pulegium aridum, caseum, nucleos pineos; mel, acetum, liquamen, ovorum vitella, aquam recentem, conteres; panem ex posca maceratum exprimes; caseum bubulum, cucumeres in cacabulo compones, interpositis nucleis, mittes concisas cepas aridas minutim, jecuscula gallinarum; jus profundes, super frigidam collocabis et sic appones."

^b Ibid. "*Salacacabia Apiciana*. Adjicies in mortario apii semen, pulegium aridum, mentham aridam, zingiber, coriandrum viridem, uvam passam enucleatam; mel, acetum, oleum et vinum; conteres. Adjicies in cacabulo panis Picentini tria frusta; interpones pulpas pulli, glandulas hædinas, caseum Vestinum, nucleos pineos, cucumeres, cepas aridas minute concisas; jus superfundes: Insuper nivem sub ora asperges et inferes."

^c Lib. vii. c. 9. "*Pernam*: ubi eam, cum caricis plurimis elixaveris, et tribus lauri foliis, detracta cute tessellatim incidis et melle complebis; deinde farinam oleo subactam conteges et ei corium reddas, et cum farina cocta fuerit, eximas furno et inferes."

^d Lib. vi. c. 6. "Avem sapidiorem et altiore facies et ei pinguedinem servabis, si eam farina oleo subacta contextam in furnum miseris."

^e Suet. c. 42.

stews of meat and vegetables given by Apicius, which I will omit. These are *lenticulæ, conchiola*, &c.

Recipes for Vegetables.

Turnips.—Boil and then mash; serve with the following sauce:—Pound a great deal of cummin, less of rue, Parthian laser; add honey, vinegar, garum, *defrutum*, and oil (moderately); make it hot, and pour over.^a

Another Way.—Drop oil over the turnips after they are boiled; if you like, add vinegar.^b

Olus Molle.—Take lettuce leaves and onions, boil them in nitrated water, press the water out, and cut them up small; then serve with the following sauce:—Pound pepper, lovage, celery seed, dry mint, onion.^c

Raw Salads, Rustic Herbs.—Eat with garum, oil, vinegar dropped over them by hand.^d

Chicory and Lettuces (together).—Eat with garum and oil (moderately). Use chopped onion instead of lettuce in the spring.^e

Artichokes.—Boil them; eat with garum, oil, and eggs cut up; or with pepper, cummin, garum, and oil.^f

Truffles (tubera).—Scrape truffles, and boil, sprinkle salt, skewer, and roast slightly. Then put into a *cacabus* oil, garum, *carænum*, wine, pepper, honey, and make it hot, and thicken with *amylum*; pour over the truffles, and serve.^g

Onions.—Boil large onions and mash them. Serve with the following sauce; thyme, marjoram, date, honey, vinegar, *defrutum*, garum, oil (moderately), sprinkle pepper.^h

^a Lib. iii. c. 13. "*Rapas sive napos*, elixatos exprimes; deinde teres cuminum plurimum, rutam minus, laser Parthicum, mel, acetum, liquamen, *defrutum*, et oleum modice; fervere facies et inferes."

^b Ibid. "*Rapas sive napos*, elixas, inferes; oleum superstillabis; si voles, acetum addes."

^c Lib. iii. c. 15. "*Olus molle* ex foliis lactucarum cum cepis, coques ex aqua nitrata, expressum concides minutatim. In mortario teres piper, ligusticum, apii semen, mentham siccam, cepam; liquamen, oleum, vinum."

^d Lib. iii. c. 16. "*Herbæ rusticae*. Liquamine, oleo, aceto à manu."

^e Lib. iii. c. 18. "*Intuba ac lactuca*. Intuba ex liquamine et oleo modico; modice cepa concisa pro lactucis vere."

^f Lib. iii. c. 19. "*Carduos* liquamine, oleo et ovis concisis. *Ibid. Aliter carduos elixos*. Piper, cuminum, liquamen, et oleum."

^g Lib. vii. c. 14. "*Tubera radis*, elixas, sale aspergis, et surculo infiges, subassas, et mittes in cacabum oleum, liquamen, *carænum*, vinum, piper, et mel; cum ferbuerit amylo obligas, tubera exornas et inferes."

^h Lib. vii. c. 12. "*Bulbos elixos*, in pultarium pressos, mittis thymum, organum, caryotum, mel, acetum, *defrutum*, liquamen, oleum modice; piper aspergis et inferes."

Our artist, or an annotator, apparently quoting Varro, adds, in speaking of this last dish, "they are served at wedding suppers, but with pine nuts, or with the juice of *eruca* (rocket), and pepper."^a

Mushrooms (small).—Stew small mushrooms in salt, oil, wine, green coriander cut up, and whole pepper.^b

Boletus (large mushroom).—Boil in *carænum* with a bunch of green coriander. As soon as it is hot serve, taking out the coriander.^c

Carrots and Parsnips.—Fry carrots and parsnips, and serve with *ænogarum* or with salt, oil, and vinegar."^d Cut up and stew carrots in *cuminatum* (i. e. cummin and garum) and oil.^e

Stewed Peas.—Boil peas until the coats have come off. Then put in leek, coriander, and cummin, and boil again. Then pour in the following sauce, viz. pound pepper, lovage, carraway, dill, green basil, pour in garum, temper with wine, make it hot; when it is hot shake it and pour it over the peas.^f

French Beans (phaseoli).—Boil simply as usual.^g Boil them with the bean in the pod, and season them with pepper, garum, and *carænum*.^h

Cucumbers.—Pare cucumbers (raw), and serve in garum or *ænogarum*.ⁱ

Another way.—Pare cucumbers, and stew them with celery seed, garum, and oil; sprinkle pepper, and serve.^k

Melons.—Eat with pepper, pennyroyal, honey, or passum, garum, vinegar. Sometimes silphium is added.^l

^a Lib. vii. c. 12. "In legitimis nuptiis in cœna ponuntur, sed et cum nucleis pineis aut cum *erucæ* succo et pipere."

^b Lib. iii. c. 20. "Spongioli elixi, ex sale, oleo, mero, coriandro viridi conciso, et pipere integro."

^c Lib. vii. c. 13. *Boletos, fungos.* "Caræno, fasciculo coriandri viridis; ubi ferbuerint, exempto fasciculo inferes."

^d Lib. iii. c. 21. "Carotæ seu pastinacæ frictæ ænogaro inferuntur."

^e Ibid. "Carotas elixatas concisas in cuminato, oleo modico coques."

^f Lib. v. c. 3. "*Pisum* coques, cum despumaverit, porrum, coriandrum et cuminum supramittis. Teres piper, ligusticum, careum, anethum, ocyumum viridem, suffundis liquamen; vino et liquamine temperabis, facias ut ferveat; cum ferbuerit, agitabis; si quid defuerit, mittis et inferes."

^g Lib. v. c. 8. "Simpliciter ut solet."

^h Ibid. "Elixati sumpto semine, cum lobis in patella feniculo viridi pipere, et liquamine, et caræno modico."

ⁱ Lib. iii. c. 6. "*Cucumeres*; rasos sive ex liquamine sive ex ænogaro sine ructu ac gravitudine teneriores senties."

^k Ibid. "*Cucumeres*; rasos apii semine, liquamine et oleo elixabis, obligabis, piper asperges et inferes."

^l Ibid. c. 7. "*Pepones et melones.* Piper, pulegium, mel vel passum, liquamen, acetum. Interdum et silphium accedit."

Sprouts.—Stew with cummin, salt, old wine and oil; add, if you like, pepper and lovage.^a

Leeks.—Boil full sized leeks in salt, oil, and water. Take out, and serve with oil, garum, and wine.^b

Pulmentaria^c (*Vegetable Stews*).—Boil beets (cut small) and leeks; then lay them in a *patina*. Make the following mixture: pound pepper and cummin; pour in garum and *passum* to give it a sweetness. Add the mixture to the beets and leeks, and make it hot. When hot serve.^d

Varro's Beets.—Take beets (the best are the black), scrape them, and stew them down in *mulsum*, with a *modicum* of salt and oil (or you may boil them in salt, in water, and in oil). You will thus make a broth which will be better if a fowl has been stewed down in it.^e

The Sweets of the Romans are interesting.

The examples which I shall give exhibit *inter alia* a sort of custard and the omelette in its first *ébauche*; and I have transferred to this section of our subject an illustration of the *patina* of fruit.

Sweet Dishes and Fruits.

Domestic Sweets.—Stone dates, and fill them with pounded nuts or pine nuts or pepper. Touch up with salt outside. Fry in purified honey.^f

Another way.—Take crumb of the best wheaten bread, and make large sippets. Steep in milk, fry in oil, pour honey over, and serve.^g

^a Lib. iii. c. 9. "*Cinas*; cuminum, salem, vinum vetus, oleum; si voles addes piper et ligusticum—"

^b Lib. iii. c. 10. "Porros maturos fieri; pugnum salis, aquam, et oleum mixtum facies; et ibi coques et eximines; cum oleo, liquamine, et mero inferes."

^c This was a dish upon which country servants were fed. Paulus (Dig. xxxiii. tit. 7, c. 18, § 3) says: "Item, cacabos et patinas in instrumento fundi esse dicimus quia sine his pulmentarium coqui non potest." Ulpian (ibid. c. 12, § 5) says: "Quæ pulmentaria rusticis coquant."

^d Lib. iii. c. 2. *Pulmentarium ad ventrem*, "Betas minutas et porros requietos elixabis, in patina compones. Teres piper, cuminum; suffundes liquamen, passum, ut quædam dulcedo sit; facias ut ferveat, cum ferbuerit inferes."

^e Ibid. "*Betacios Varrones*. Varro. 'betacios sed nigros quorum deteras radices et mulso decoctas cum sale modico et oleo (vel sale, aqua et oleo) in se coques, jusculum facies et potabis;' melius erit si in eo pullus sit decoctus."

^f Lib. vii. c. 11. "*Dulcia domestica*. Palmulas vel dactylos, excepto semine, nuce vel nucleis, vel pipere trito infarcies, sale foris contingis, frigis in melle cocto et inferes."

^g Ibid. "*Aliter dulcia*. Siligineos rasos frangis, et buccellas majores facias, in lacte infundis, frigis in oleo, et mel superfundis et inferes."

Peppered Sweets.—Take semolina, boil in hot water until it becomes a thick gruel; then spread it out in a *patella*, and let it get cold. Then cut in pieces, like *dulcia*, and fry in the best oil. Take it out, pour honey over, sprinkle pepper, and serve. You will do better if you boil the semolina in milk instead of water.^a

Tyropatina.—Put as much milk into a *patina* as it will hold. Temper the milk well with honey. Beat up eggs in the milk (five to a sextarius of milk); pour into the *patina*. Boil over a slow fire. When it is set sprinkle pepper, and serve.^b

Sponge Eggs.—Beat up four eggs in a *hemina* of milk and an ounce of oil. Put a *modicum* of oil into a *patella*, and make it boil up. Then add thereto the ingredients before prepared. When it is done on one side turn it out into a dish, pour honey over it, sprinkle pepper, and serve.^c

A Patina of Pears.—Boil pears and take out the middle; then pound them with pepper, cummin, honey, *passum*, garum, a *modicum* of oil; break eggs over, and beat up the whole, and boil them; sprinkle pepper, and serve.^d

Patina of Quinces.—Stew quinces with leeks, honey, garum, oil (rubbed down),^e or stew them in honey only.

The Romans exhibited the same passion as the modern Italians for hog puddings and sausages, known to them under the names of *botelli*, *lucanica*, *farcimina*, &c. The following examples will illustrate them:—

A Botellus.—Make a *botellus* thus;—To yolks of boiled eggs and pine-nuts, chopped up small, add onion and leek cut up; mix therewith pounded pepper, garum, and wine, and stuff the gut and cook.^f

^a Lib. vii. c. 11. "*Dulcia piperata.* Accipies similam, coques in aqua calida, ita ut durissimam pultem facias; deinde in patellam expandis; cum refrixerit concidis quasi dulcia et frigis in oleo optimo, levas, perfundis mel, piper aspergis et inferes. Melius feceris si lac pro aqua miseris."

^b Ibid. "*Tyropatina.* [Schuch reads *tripatinam*, and refers to Pliny, xxxv. 162.] Accipies lac, adversus quod patinam aestimabis; temperabis lac cum melle quasi ad lactantia; ova quinque ad sextarium mittis (sed ad heminam ova trias, in lacte dissolvis ita ut unum corpus facias; in cumana colas et igni lento coques, cum duxerit ad se, piper aspergis et inferes."

^c Ibid. "*Ova spongia ex lacta.* Ova quatuor, lactis heminam, olei unciam, in se dissolvis, ita ut unum corpus facias, in patellam subtilem adjicies olei modicum, facies ut bulliat, et adjicies impensam quam parasti. Una parte cum fuerit coctum in disco vertes, melle perfundis, piper aspergis et inferes."

^d Lib. iv. c. 2. "*Pyra elixa et purgata è medio, teres cum pipere, cumino, melle, passo, liquamine, oleo modico; ovis mixtis patinam facies, piper super asperges et inferes.*"

^e Lib. iv. c. 2. "*Mala Cydonia cum porris, melle, liquamine, oleo defricato, coques et inferes. Vel elixata ex melle.*"

^f Lib. ii. c. 3. "*Botellum sic facies. Ex ovi vitellis coctis, nucleis pineis concisis, cepam addes, porrum concisum, jus crudum misces, piper minutum, et sic intestinum farcies, adjicies liquamen et vinum et sic coques.*"

Lucanicae are made in the same manner, with the addition of pounded pork and fat in abundance, whole pepper, and savory herbs. They are to be smoked.^a

Farcimina, cooked.—Pound eggs and brains, pine-nuts, pepper, garum, laser (moderately), and with these fill the gut; boil; afterwards fry and serve.^b

Another way.—Pound boiled *alica* with meat, pounded and cut up, pepper, garum, and pine-nuts; stuff the gut and boil it; then fry with salt, and serve with mustard.^c

There are other dishes detailed by Apicius, but upon which I will not trouble the reader with any detail.

The snail was formerly, as now, a favourite in Italy. It is to be found in our author fried and sauced in various ways.^d

Eggs are given as fried and boiled, in either case being eaten with sauces.^e

I must not omit mention of the gruel of Rome—the *pultes*. It is a curious dish, having for its foundation *alica* (wheat grits) or *simila* (semola or semolina), flavoured either with herbs or brains, and *isicia* boiled with it.^f

In another form it is milk and biscuit boiled together (*pultes tracto galatae*).^g

The *ptisana* (also called *succus*) takes barley grits for its foundation, and is either a barley water made tasteful by being boiled with herbs and vinegar, wine and oil, the whole being diluted and strained, or it is boiled up with herbs,^h and is unstrained or undiluted.ⁱ

In obedience to the laws of space, my enumeration and description are now ended.

In my extracts from Apicius I have, of course, not given, and could not give, every dish formulated by him. I have only endeavoured to make a selection, which, though moderate in compass, would enable the reader to form a true conception of the *cuisine bourgeoise*, the every-day cookery, of Rome.

^a Lib. ii. c. 4. "*Lucanicarum confectio*. Teritur piper, cuminum, satureia, ruta, petroselinum, condimentum, baccae lauri liquamen, et admiscetur pulpa bene tunsa, ita ut denno bene cum ipso subtrito fricetur, cum liquamine admixto, pipere integro et abundante pinguedine, et nucleis. Farcies intestinum perquam tenuatim productum et sic ad fumum suspenditur."

^b Lib. ii. c. 5. "*Ova et cerebella teres, nucleos pineos, piper, liquamen, laser modicum; et his intestinum implebis, elixas, postea assas, et inferes.*"

^c Ibid. "*Aliter, coctam alicam et tritam cum pulpa concisa et trita una cum pipere et liquamine, et nucleis; farcies intestinum et elixabis; deinde cum sale assabis et cum sinape inferes.*"

^d Lib. vii. c. 16.

^e Lib. vii. c. 17.

^f Lib. v. c. 1.

^g Ibid.

^h Lib. v. c. 5.

ⁱ Ibid.

If I have done so with sufficiency and exactness, the reader will have seen that, after all, the differences between the ancient and modern styles are not of principle but of detail. In this, I think, much of the interest which is attached to the subject may be considered to exist.

The Roman had broths like the old French *soupe* before the *potages* were invented. An instance, as we have seen, appears in our author.

They cooked their fish, flesh, fowl, and vegetables in manners more or less identical with our own.

Their sweets present less similarity, but there are resemblances even in them.

The dishes called *Patina*, *minutal*, and *Salacacabia*, though, as we shall see, they survived into the middle ages and were in favour at court, have now no modern representatives; and I do not propose either to advocate or palliate them.^a They are out of the region of modern cookery, and will find no new friends.

The Apician command to take "*quæcunque optima fuerint*," and add them all together into one undistinguishable mass, made a *Salmigondis* which modern prudence cannot contemplate unmoved, and which even a Roman stomach must have had cause to rue.

It was of these dishes that the *soi-disant* stoic Seneca observes:—"I expect that they will soon be put on table ready chewed for us, for there is very little difference between so doing and what the cook does now."^c

There are other points of repulsion in the made dishes of Rome; but, these lying chiefly in the juxtaposition of materials, are after all exceptional sallies of the cook more than the property of the *cuisine* itself; and it must be said that the French system of *cuisine* which we now follow has been much chastened of late years, while it was in itself a softened copy of the old Italian

^a "Des incongruités de bonne chère," to use the words of Dorante, in the *Bourgeois Gentilhomme*, 4^e Acte, Sc. 1. Ovid, with questionable taste, introduces Tisiphone making a patina of moral ingredients, after the approved fashion of the Roman cook. *Metam.* lib. iv. v. 500 et seqq.

"Attulerat secum liquidi quoque monstra veneni
Oris cerberei spumas et virus echidnae,
Erroresque vagos cœcæque oblivis mentis,
Et scelus et lacrimas rabiemque et cœdis amorem,
Omnia trita simul, quæ sanguine mixta recenti,
Coxerat ære cavo, viridi versata cicuta."

^b In the *Patina Apiciana*, lib. iv. c. 2.

^c Epist. xcv. "Expecto jam ut manducata ponantur. Quantulo autem hoc minus est, testas excerpere atque ossa, et dentium operâ coquum fungi?"

school, which delighted in stately shows, in other words, in dishes of incongruous materials.*

At the present time the existing Italian *cuisine*, though immeasurably modified in comparison with its ancient predecessor, has many and obvious affinities with the school of Apicius.

To return to our author —

The sauces to serve with the dishes, and the ingredients of the stews and the *marinades*, are directed to the object which we still propose to ourselves.

The details also are the same; the *finer herbes*, which it was the mission of Rome to propagate out of their teeming country, still with scarcely an exception retain their old position in the kitchen.

As I have previously intimated, one of these herbs is now no longer applied to our culinary purposes, viz. the laser. This, however, has not been *rejected* by modern cookery; but simply died out ages ago through some inexorable and unexplained influence, natural or political, which will probably ever remain a mystery.

We may conclude, however, from what we know of its application, that its taste was warming, and its effect tonic and invigorating.

That its *goût* was rich may also be inferred from our artist's expression, when he directs a cook to *temper* it with vinegar and garum.^b

Upon one point there is a large discrepancy between the old and the modern sauces. This is the general absence of meat gravy from the former. But this is not so startling when we consider that our own old-fashioned cookery was in precisely the same predicament, wine in many cases doing duty for prepared meat gravy. I have said that meat gravy was *generally* absent from the sauces. This is true. At times, however, as we have seen, the liquor in which the object had been boiled was added to the sauce. But, though the general exclusion of meat gravy was compensated for by the presence of a larger measure of wine in the sauce, the wine, however, was always combined with the modifying action of garum.

This brings us to the real problem of Roman cookery, the flavour imported by that confection to the sauces with which it intercommunicated. Looking at this from the point of view of the kitchen, it is no other than a grave æsthetical

* "Fu quindi in Italia ove diedesi principio alla buona cucina; ma avendola trasmessa ai Francesi, costoro superarono ben presto i loro maestri, perchè venne tale arte coltivato in Francia, mentre decadde in Italia le scuole della buona gastronomia; quantunque i Francesi non abbiano ancor superato la magnificenza dei banchetti Italiani ch'ebbero luogo sul finir del secolo xv." *Cucina Borghese*. Torino, G. Favale e C^{ia}. Editori.

^b Lib. vii. c. 1. "Laser Cyrenaicum vel Parthicum aceto et liquamine temperatum."

question. If we can solve it in any way, we shall penetrate to the bottom of the Roman system.

Without experiments, which will probably never be made, though Soyer vehemently desired them, we know so much as this, that the materials of the zest were fish, that salt was an adjunct, and that fermentation in the sun was the means of effecting a union more or less chemical between these well-pronounced elements.^a

This the books tell us distinctly and categorically; but in these facts we have only the fashion of its confection, not what its ultimate taste or flavour was. What was its taste? Saline it certainly was. Its antecedents would demonstrate that; and we know also, from the examples given by our author, that whenever it was applied in cookery salt was never used.^b And we have further warrant for saying so in a passage of our artist, which orders that small mushrooms, flavoured with a sauce made of garum and other ingredients containing not a symptom of salt, may be served *pro salso*, as something which would produce the same effect and flavour as an appetizer.^c

But on the other side it was an especial objection to garum when its taste could be said to be "salt" (salsum).^d

It would have been impossible to reconcile these discordant assertions unless another passage in our author had stepped forward to our assistance.

Apicius, in speaking of salted *echini* (*oursins de mer*) says, "Infuse them in the best garum, and they will be as fresh as if they were just taken from the tank."^e

This flavour was therefore not salt in the vulgar and pronounced sense of the word, but was a delicate *nuance*—a *souçon*, that recalled to the jaded Roman the healthy ozonic air of the fresh and tone-giving seas of Baïæ and Tarentum.

Taking this to be the construction we must put upon garum, we can have no right to blame the Romans for their adherence to this condiment. Analogy helps us to this conclusion. We moderns know that there is a tendency in the human palate to crave a saline confection. Our own addiction to delicate ketchup and coarse anchovy illustrates this.

Upon such a ground, therefore, garum can take its stand, supported by the fixed laws of the palate.

Moreover, it was the property of garum to give spirit to what was subjected to

^a See *ante*.

^b Lib. vii. c. 14. "Salem vel liquamen;" *et alibi*.

^c Lib. iii. c. 20. "*Aliter spongiolos*," &c.

^d Lib. i. c. 7. "*De liquamine emendando* Si salsum fuerit, mellis sextarium mittis et move spica et emendasti."

^e Lib. ix. c. 8. "Liquamen optimum admisceas et quasi recentes apparebunt ita ut à balneo sumi possint."

it, "for," says Apicius, in reference to a sauce composed of honey, vinegar, *defrutum*, &c. "Si fatuum (*fade*) fuerit liquamen adjicies."

The induction which we have arrived at prepares us for what is really marvelous in the history of this confection. Garum charmed the palates of all classes, the high and the low, the instructed and luxurious, the inexperienced and the coarse. It mingled in all sauces, simple or compound, and was equally applicable to the seasonings of fish, flesh, fowl, fruit, or vegetable. No more dissimilar objects for an identical flavouring can be possibly imagined.

But, if we give the Roman credit for retaining the same good judgment in this which he showed in all other matters, the conclusion is necessary that garum was thus omnipresent, because, having been once tasted, the palate could never willingly dissociate itself from it. That which could always adapt itself to the veerings of man's or woman's palate must have been a veritable marvel; and no one should affect surprise that this unexampled adaptability of garum made the ingenious and susceptible Soyer sigh for its revival, and suggest that premiums should be offered for its reinvention.

From garum I will pass on to pepper.

I will premise, that, before the introduction of this Indian seed, the Romans had had recourse to native herbs, which supplied in a degree the effect which the former produces.

These herbs were rue and lovage, and by force of habit they retained their place in the kitchen after the appearance of the other upon the scene.

No modern can affect surprise at the adoption of pepper by the Roman, though its unlimited and indiscriminate application to all things, as we have seen, is of course inexplicable. It was introduced into Rome not long before the time of the naturalist Pliny, and at the first its *brusque* and fiery taste startled the senses of the *bon vivants* of the city.

Pliny himself was of that number. He says, "Usus ejus adeo placuisse mirum est. In aliis quippe suavitas cepit, in aliis species invitavit. Huic nec pomi nec baccæ commendatio est aliqua. Solâ placere amaritudine, et hanc in Indos peti. Quis ille qui primus cibus experiri voluit? Aut cui in appetendâ aviditate esurire non fuit satius? Utcunque sylvestre gentibus suis est, et tamen pondere emitur ut aurum vel argentum."^a I quote his words textually, because I know of no other literary record which expresses the contemporaneous opinion of a man of a cultivated palate upon a now common culinary zest at its first introduction into European society. Pliny brings our minds in direct communication with a new sensation.

^a Lib. iv. c. 2.

^b H. N. lib. xii. c. 14.

But, whatever Pliny might think of pepper, the doctors formed a different opinion. They took its side as a promoter of digestion, suggesting, however, that its use should be discriminated by the seasons, and that winter was better for its application than summer.^a

The general public, however, contemned the tirade of the polite naturalist, and disregarded the caution of the physician. It decided for itself that the new grain suited winter and summer, and was good for fish, flesh, flower, and fruit, affecting it even like the son of Bedreddin Hassan with a custard.^b

In strong contrast with this unlimited use of pepper by the Romans, is their chary and timid application of that other pungent seed, mustard.

They shrank from applying this general appetizer to roast or broiled of any sort. They confined it to the boiled and the stewed, and these might be meat, birds, fish, or vegetables. The only exception was the *farcimen* or sausage.^c

But, though mustard was thus sparingly used, there was no stint in the application of other strong and warming seeds. The carraway, anise, cummin, and smallage or celery seeds, pine-nuts, juniper, laurel, and lentise berries were in constant favour. Dill also had an equal range.

It should be said that all these seeds and berries have a tendency to promote digestion by raising the tone of the stomach, and in this fact we have the dietetic *rationale* of the Roman sauces. The weakened stomach of the luxurious dweller in such a climate as that of Rome was and is, craves, while it enjoys, such sanitary excitements.

It now only remains to consider what were the laws of taste in accordance with which the Romans applied these rich and lavish condiments.

I am sorry to say that I have only been able to discern one law. The combined effect of these elements was to produce sauces which preponderated over the natural savours of the viands. Apicius proudly remarks of a fish which he has flavoured after this method, "*Nemo agnosceret quid manducet.*"^d There Roman Cookery had attained its *but*.

This in itself is a great divergence from the principles of true taste. We know that an object should be relieved, not dominated and overpowered. And in the case of the Romans this faulty canon led to a further and greater error. The same sauces were poured over roast, boiled, broiled, and baked, without choice or discrimination.^e

In the foregoing I have assayed to sketch the Roman system. Such as it was

^a Dioscorides, lib. ii. c. 189, quoted by Dr. Lister.

^b See *ante*.

^c See *ante*.

^d Lib. iv. c. 2.

^e See Apicius *passim*; at lib. viii. c. iv. for a sauce "*in venationibus omnibus elixis et assis.*"

it enjoyed a very long term of existence. It did not die with the Empire, but survived into the middle ages and later. We may even suspect that it influenced Anglo-Saxon England before the Conquest.

The Rev. Mr. Cockayne's interesting and excellently edited book^a gives us some satisfactory gleams of the Anglo-Saxon *cuisine*, as they peer through the mist of physic and quackery.

We may see in them that the English used the mortar like the Romans who had taught them.

In the same book we find the word *brue*, a word which afterwards took the form of brewet, and which means an elaborate stew. To apply the rule of *ex pede Herculem*, this would demonstrate that the Anglo-Saxons practised cookery in the form which the Romans had theretofore imported into the island, and it must not be forgotten that Ælfrie's cook boasts of his "fat broth."^b

This is a better argument in affirmation of the existence of an Anglo-Saxon cookery than what has been advanced in its negation by Dr. Henry the historian. That author somewhere says, that the English before the Conquest had no cookery at all, because they afterwards borrowed from the Normans the words beef, veal, mutton, pork.

The same sort of reasoning would go to prove that the Gallo-Roman was uncombative, because in after days he used no word for war but what his Frankish masters had given him.

But, whatever the Anglo-Saxon cookery may have been, the Anglo-Norman cookery demonstrates itself to be a legitimate connexion of the Apician.

A study of Dr. Pegge's "Forme of Cury" (no inconsiderable effort in itself) shows that the *brewet* was the *patina*, the *minutal* was the *mortreux*, the *salacacabie* was the *payne fondewe*, and the *pultes* were the *farced grewels* of the mediæval cooks.

This cookery of The Forme of Cury, equally unfortunate in names as the Roman, was in full vogue up to the sixteenth century.

When the great Norman barons had fallen by mutual destruction in the Wars of the Roses, the system which they had so long fostered received its first shock.

And when the monastic clergy, whose refined leisure had made them great *cuisiniers*, went to the wall in their turn, the system fell altogether to the ground.

The new families which took the places of the barons and the estates of the

^a Leechdoms, Wortcunning, and Starcraft of Early England. Rev. T. O. Cockayne, M.A. London. Longmans. 1864-6.

^b "Ælfrie's Colloquium," Thorpe's *Analecta*, p. 29.

monks now re-asserted more substantial tastes, which would seem to have hitherto lain dormant, or to have been unrecognised in higher quarters.*

We have thus been able, through the means of Apicius, to see with irreproachable accuracy what were the *mets* which would furnish forth a Roman dinner.

The artist has not, however, given us the succession of the dishes—in other words, the principles and rationale of the Roman courses.

Upon this, the only trustworthy evidence which we now have, is the *Cæna Metelli* preserved by Macrobius, and a brief allusion of Pliny the Younger. Though neither is very clear in itself, some conclusions may be drawn from both.

In the *Cæna Metelli* there are three services or divisions, which are thus marked: *ante cænam*, *iterum*, and *in cæna*; and amongst them all they give us examples of entrées, roasts, and entremets.^b

Pliny's playful summary of a fashionable dinner is of the briefest. He writes his friend, who had pleaded a prior engagement in preference to his own invitation, "At tu apud nescio quem ostrea, vulvas, echinos, Gaditanas maluisti," and laughingly pretends that at his house his friend would have a vegetarian dinner of the primitive Italian kind.^c

This is all we now know of the services of the dinner itself. Between this and the dessert there was as wide a distinction at Rome as in London; the one was *prima mensa*, the other *secunda mensa*. This demarcation was a borrowing from Asiatic Greece, from which also another adoption was made, scarcely so logical or creditable.

Pliny's Gaditanæ lead us to this other feature of a Roman dinner. When the real labour of dinner was over, and there remained only for disposal the light delicacies of the second table, the Roman Amphitryon took care that his entertainment should contain a success of another kind. He provided amusements which should supersede or stimulate conversation.

At the tables of the gay these amusements assumed a character which accorded with that of the guests. To them the dancing-girl and the professional performer^d gave entertainments, which, though they may have accelerated digestion,

^a Upon this the learned Dr. Pegge has observed (Preface to the work mentioned above, p. 21):—

"It may be said, What becomes of the Old English Hospitality, in this case, the roast beef of Old England, so much talked of? I answer, these bulky and magnificent dishes must have been the product of later reigns, perhaps of Queen Elizabeth's time, since it is plain that in the days of Richard II. our ancestors lived much after the French fashion."

^b Lib. ii. c. 9.

^c Lib. i. epist. 15. (See *ante*, p. 4, foot note c.)

^d The Greek poet Matron called them by a freer name. See the inimitable description of an Attic dinner preserved by Athenæus, lib. iv. c. 13:—

"Πόρναι δ' εἰσῆλθον, κοῦραι δ' οὐ θανματοποιοί."

did not do much towards improving the understanding. At the tables of the serious—of *beaux esprits*—a diversion of a more solid nature was provided. To these guests new works were read and published—old works were recited.

Atticus—who gave the worst dinners in Rome, if they were judged by their culinary merits; but whose *réunions* were, notwithstanding, the resort of all the *meilleur monde* of that city—contrived to have the last new things of his friend Cicero read on these occasions. In return, Cicero (*toujours indiscret*, as his charming biographer Boissier observes) has perpetuated the failing of his parsimonious friend, at whose table were served the most ordinary legumes upon the most precious dishes.^a

After a time the Gaditanæ went out of fashion; for what reason, whether the world became more decent or less extravagant, does not appear. Macrobius, though an evident Pagan, asks his friend Horus, who was a professed antiquary, “Ante cujus triclinium modo saltatricem vel saltatorem te vidisse meministi,”^b and receives no answer. But the books and the plays and their recitation continued as long as there was a Roman world.

The author of Querolus, who flourished certainly after the reign of Diocletian, says of his own clever little drama, “Nos fabellis atque mensis hunc libellum scripsimus.”^c It is this interesting custom of Rome that makes the groundwork of the Deipnosophistæ of Athenæus, and renders it probable.

The only point that remains is, How did the Romans eat their dinner?

M. Marc Monnier says, “The Romans took from the attendant slaves their morceaux of fricassée and ragout upon pieces of bread. The former having been eaten, the latter were thrown under the table.”^d I do not know M. Monnier’s authority for this; but the incontestable learning of that author will amply warrant us in accepting his assertion. If it be accurate it will explain the detail of our Saviour’s parable of Dives and Lazarus. Such an improvised trencher as that which M. Monnier speaks of will apply to the eating of roast, boiled, stewed, and of *elles*; but there were other dishes which with the fingers could have done but little without further aid. As in the Middle Ages, the spoon, therefore, must have occasionally replaced them.^e

Such was a Roman dinner.

^a Boissier, Cicero, p. 175.

^b Lib. ii. c. 10.

^c Prefatio ad Rutilium.

^d Pompéii et les Pompéiens, c. 6. See Athenæus, lib. iii. c. 100.

^e The term “sorbitio” applied to *isicia*, and the expression “et sic sorbendum inferes,” prove this; and, apropos of the Middle Ages, Dr. Pegge, in the “Preface to the Curious Antiquarian Reader,” prefixed to the *Forme of Cury*, says, “My next observation is, that the messes both in the Roll and the Editor’s MS. are chiefly soups, potages, ragouts, hashes, and the like hotchepoches; entire joints of meat being never served, and animals, whether fish or fowl, seldom brought to table whole, but hacked, and hewed, and cut in pieces or gobbets. The mortar also was in great request . . . Now in this state of things the general mode of eating must either have been with the spoon or the fingers.”

XVI.—*On some Roman Bronze Vessels discovered on the Castle Howard Estate, Yorkshire.* By EDMUND OLDFIELD, Esq., M.A., F.S.A.

Read March 7th, 1867.

THE five bronze vessels, now exhibited by the kind permission of Vice-Admiral The Honourable Edward Howard, were first recovered in June, 1856, from the spot where they had lain buried probably since the time of the Roman occupation of Britain. A party of drainers, digging immediately behind a farmhouse on Stittenham Hill, belonging to the Castle Howard estate in Yorkshire, came upon these vessels at about three feet below the surface, placed one within another, in a nest or group. The soil, I understand, is boggy, and the metal accordingly has preserved the smooth unpatinated face and brownish hue common with ancient bronzes found in wet localities. The form of all the vessels is the same, and approximates to that of a modern saucepan; but the bowl of each, instead of having vertical sides and a broad flat bottom, is curved inwards as it descends, like a cup, and the base is ornamented externally with raised concentric rings. Each handle, which is shaped in simple but not ungraceful curves, has a hole for suspending the vessel from a hook or peg. Round the bowl of the largest vessel runs a narrow engraved border of peculiar pattern.

The capacity of each vessel had been ascertained before they were forwarded to me, and their dimensions and relative proportions are sufficiently curious to justify a somewhat detailed notice. The quantity of water which they will respectively contain is stated, in a memorandum with which I have been furnished by Admiral Howard, describing the particulars of the discovery, to be 16 oz., 22 oz., 40 oz., 80 oz., and 92 oz. Now, as the imperial pint is equivalent to 20oz. avoirdupois of water, it follows that the smallest vessel contains rather more than three-quarters of a pint, the next rather more than one pint, the third exactly two pints, the fourth exactly four, and the largest rather more than four and a half. The *sextarius* of the Roman liquid measure was in the proportion of .96 to our pint, or just one twenty-fifth less, and its equivalent in ounces is therefore 19.2. The *cyathus*, which was one-twelfth of the *sextarius*, was .08 of the pint, or equivalent in ounces to 1.6. Consequently sixteen ounces, the dimension stated for the smallest vessel, is exactly the measure of 10 *cyathi*. Passing over the second vessel for an instant, we find the capacity of the third given as 40 oz.,

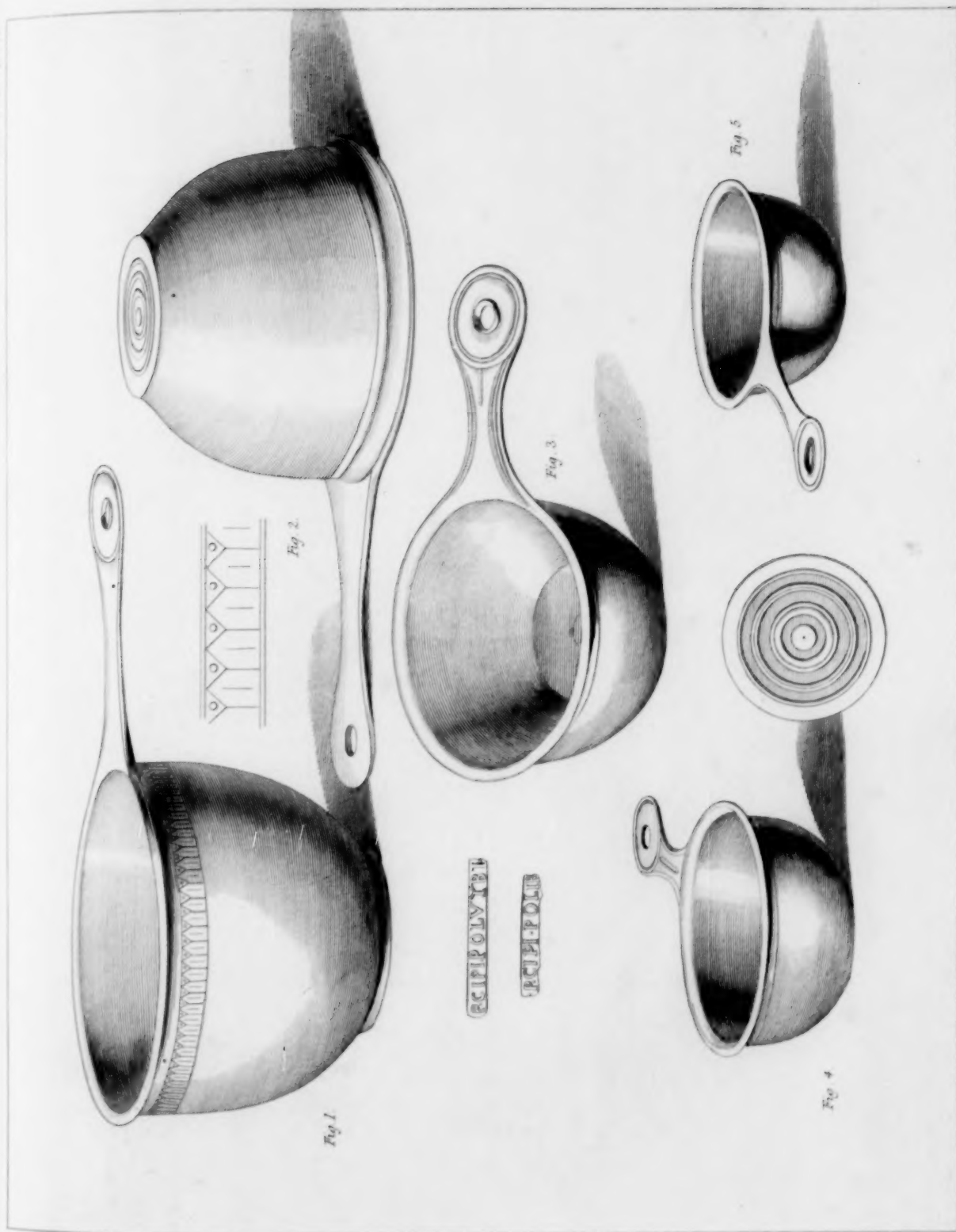
which is exactly the equivalent of 25 *cyathi*, or two *sextarii* and one-twelfth. The capacity of the fourth is 80 oz., equal to 50 *cyathi*, or four *sextarii* and one-sixth. Here, then, we have three out of five vessels bearing to each other the precise ratios of 10, 25, and 50, or (taking 5 *cyathi* as the sub-multiple) 2, 5, and 10. The two remaining vessels, if their dimensions be correctly stated, have no exact correspondents in the ordinary Roman measures. The second, said to contain 22 oz., is less by two ounces than 15 *cyathi*, or one *sextarius* and a quarter. In like manner the largest vessel, if, as stated, it contains 92 oz., is equivalent to $57\frac{1}{2}$ *cyathi*, and falls short of 60 *cyathi*, or 5 *sextarii*, by four ounces. But as this vessel has a small hole broken in its side, which must have increased the difficulty of accurately measuring its contents, the discrepancy of four ounces in ninety-six will perhaps not be considered material. At any rate, it will probably be admitted that both this and the second vessel present a sufficient approximation to multiples of five *cyathi* to satisfy us that their original dimensions were not left to chance, but designedly fixed with reference to the same standard as the other three.

Agreeably to a custom common among the Romans as well as ourselves, the maker of these implements has stamped his name on two of the handles. One of the inscriptions reads P·CIPi·POLIB, the other P·CIPiPOLVIBI. The manufacturer therefore may probably have been Publius Cippius Polybius. The name of Cippius was that of a plebeian *gens*, and is found on Family coins of the republican period, and not unfrequently in monumental inscriptions. Polybius as a *cognomen* occurs united with various gentile names, Vibius,^a Firmius, Voconius, Andosius.^b It is to be observed that the second syllable of Polybius, in one of the stamps before us, consists of the letter I, and in the other, of UI, or possibly UY, for the second letter seems to have an oblique stroke on the right of the vertical line at its top, similar to what is often seen in the representation of the letter Y in the Roman imperial times.^c The usual vowel by which in those times the Greek Υ was expressed, in words imported into the Latin, was Y, which had superseded the U of Ennius' period, as recorded by Cicero. If, therefore, the letters on the stamp be UY, they must be considered a compound of early and late orthography. If, on the other hand, they be UI, they

^a Gruter, DCCCLVII. 13.

^b Mommsen, *Inscr. Regn. Neap.* 2559, 2890, 6769, iii.

^c In the annexed Plate the engraver has given to this letter too decidedly the form of the ordinary Y. It consists in the original bronze of certainly not more than two strokes, the upright line, which runs unbroken up to the top, and (perhaps) an oblique bar on the right; but this has no correspondent on the left. The letter may be compared to a K, in which the lower limb on the right has been omitted



ROMAN BRONZE VESSELS DISCOVERED ON THE CASTLE HOWARD ESTATE, YORKSHIRE.

Published by the Society of Antiquaries of London, 1868.

indicate some uncertainty, if not ignorance, in spelling. This last, indeed, is the conclusion to which the I on the other stamp would rather point; for though "Polibius" spelt with an I is to be found in Gruter's inscriptions,^a it must be regarded merely as a corruption.

Vessels more or less resembling the specimens before us have frequently been found on Roman sites, and are to be seen in several museums. Two discovered in 1790 in the neighbourhood of Dumfries, and described in the *Archæologia*,^b seem hardly distinguishable in form from the present examples. But a more beautiful and curious illustration is to be seen in a vessel found at Prickwillow, in the Isle of Ely, in 1838, and figured in the *Archæologia*, with a description by Mr. Goddard Johnson.^c The bowl of this is encircled with the identical engraved pattern of the largest vessel in the Castle Howard series. The handle, however, far surpasses any of the present specimens in costliness and beauty; for not merely is it ornamented with reliefs representing marine animals and foliage, but an elegant arabesque of vine leaves is inlaid in enamel. It bears the stamp BODVOGENVS · F ·, of which it may be remarked in passing, that the name of the maker has an apparent affinity with that of Boduognatus, the Nervian chief mentioned by Cæsar,^d and is, perhaps, philologically connected with that of BODVOC, well known from the British gold coins so inscribed, and formerly attributed to the supposed mint of Boadicea.^e In the thirty-ninth volume of the *Archæologia*,^f where an engraving is given of some Roman antiquities found at Colchester, including an ornamented and inscribed handle apparently belonging to a bronze vessel like the present, other similar handles are mentioned, stamped with their makers' names. To these may be added a vessel with inscribed handle, published by Montfaucon.^g

The examples hitherto referred to are all of bronze, with the inside generally tinned. But a second class of vessels must be noticed, which are of silver, and in general form resemble these, though with varieties amongst themselves analogous to those found in the bronze. The only feature which, in all the specimens I know, uniformly differs in the two metals, and seems therefore a distinctive characteristic, is the inscription. Those which occur on bronze vessels are all marked with a stamp, and record the maker's name. Those of the silver vessels, on the other hand, are never stamped, but either formed of letters incised and

^a Gruter, ccxl. col. 3.

^b *Archæologia*, xi. 105.

^c *Ibid.* xxviii. p. 436, pl. xxv.

^d *Bell. Gall.* ii. 23.

^e This affinity has not escaped the notice of Mr. Evans; *vide* *Coins of the Ancient Britons*, p. 139.

^f *Archæologia*, xxxix. 509.

^g *L'Antiq. Expl.* tom. iii. p. 1, l. 3, c. 12, pl. lxiv.

inlaid with gold, or simply pricked in with dotted lines; and their sense is uniformly dedicatory, each in honour of some divinity. Thus a silver vessel in the Imperial Cabinet of Antiquities at Vienna,^a which is the same in form as the bronzes before us, has the handle inscribed MERC in letters inlaid with gold, evidently implying a dedication to Mercury. Another example is the very interesting and beautiful vessel now in the British Museum, of which a full account was published by Mr. Hawkins in the *Archæological Journal*.^b The inscription of this, also in letters inlaid with gold, is MATR·FAB·DVBIT., generally interpreted as a dedication to the *Deæ Matres*. Lastly, the remarkable group of antiquities in silver, once belonging to the treasury of a temple of Mercury at Berthouville near Bernay, which were discovered in 1830, and are now in the Imperial Library at Paris, contains no less than eight vessels, which appear from M. Chabouillet's description to be more or less similar in form to those just referred to.^c Two of these have inscriptions on the handles in dotted lines recording their dedication to Mercurius-Augustus by one Creticus Runatis; a third has on the bottom of the bowl a similar dedication inscribed by a woman named Germanissa; and a fourth has on the handle the following inscription in letters inlaid with gold,—M—— VENERI, interpreted by M. Chabouillet as a dedication to Mercurius-Venus, or Hermaphroditus.

It is evident from these inscriptions that the vessels which bear them were devoted to a religious use: and as at Berthouville vessels without inscriptions, but in other respects precisely similar to those which are inscribed, were found in the same group, this religious use must have extended to both classes alike. It is therefore not improbable that the silver vessel found in Northumberland in 1747, with the bottom of another similar vessel, and four handles, also in silver, richly decorated with reliefs, all of which were published in the *Archæologia*,^d and afterwards passed with Mr. Payne Knight's collections into the British Museum, may, though uninscribed, have originally belonged to the treasury of the temple of some divinity.^e

Now all the bronze vessels are so like the silver, both in general form and in

^a Published in Arneth's *Gold-und-Silber Monumente*, No. 92.

^b *Arch. Journal*, viii 35.

^c Vide *Cat. Gen. des Camées, &c. de la Bibl. Imp.* pp. 452-4, No. 2832-9. Cf. M. Le Prévost's Notice of the collection in the *Mémoires de la Société des Antiquaires de Normandie*, tom. vi. p. 75.

^d *Archæologia*, xv. 393, pl. xxx.—xxxiii.

^e There is one peculiarity in the Northumbrian vessel which I have not seen in any other example. On the bottom, close to the edge, are the marks of three small feet, intended, apparently, to raise the vessel slightly from the table or other surface on which it might have stood.

the subject and style of the reliefs with which the handles of several are decorated, that, notwithstanding the different character of their respective inscriptions, there must have been at least some analogy in the purposes to which they were applied. This consideration at once throws a doubt on the explanation which at the first glance might seem most natural for such bronze specimens as the present, and which has indeed been adopted by Signor Caterino in commenting on a similar vessel in the Neapolitan Museum,^a namely, that they were intended merely for cooking, like our saucepans; for such an use would be inapplicable to the sacred rites, for which the silver pieces appear designed. Other peculiarities of the bronzes themselves seem likewise adverse to such an explanation. For firstly, the contraction of the bowl in its lower part, and the mouldings with which the exterior of the bottom is generally relieved, however they might contribute to the elegance of the whole implement, would no less endanger its stability, if placed upon a heap of fuel. Next, it is recorded in the descriptions of both the bronze vessels published in the *Archæologia*, that their undersides show no signs of the action of fire; and the same remark applies to the present examples, and indeed to all others I have seen. Lastly, the introduction of enamel into the handle of the vessel found at Prickwillow, as described by Mr. Goddard Johnson, is surely inconsistent with its use as a saucepan.

On the whole then no more probable interpretation suggests itself to me than that vases of this form, of whichever of the two metals, were employed for measuring out liquids. Those dedicated to divinities, which are in silver, might have served to determine the quantity of wine required for libations. Those which were simply secular, such as probably all the known specimens in bronze, would have been used chiefly at the banquet, to adjust correctly the proportions of wine and water in the *crater* or mixing-bowl. These proportions appear from Athenæus,^b and other ancient writers, not to have been left to accident, but generally to have been either 3, 2, or $1\frac{1}{2}$ of water to 1 of wine, probably as determined at each entertainment by the symposiarch or *arbiter bibendi*. Such a destination as now suggested would explain the exactness with which the different dimensions of the Castle Howard vessels have been adjusted to a common standard. It has been shown that three of the series contain respectively 10, 25, and 50 *cyathi*. This adherence to the most convenient multiples of the *cyathus*, without reference to the *sextarius*, seems to accord with

^a *Vide Museo Borbonico*, vol. v. tav. lviii.

^b *Deipnosophistæ*, x. vii.

the idea that such vessels were peculiarly designed for wine, of which the *cyathus* was the accustomed measure. Thus Horace says^a—

" Sume, Mæcenâs, cyathos amici
Sospitis centum ;"

by which we may understand that he was enjoining on his friend a potation equivalent to precisely two vessels like the fourth in the present series. It must be observed however in passing, that before we venture to deduce from these words any estimate of the convivial capacities of the accomplished Roman, we must learn from the slave who mixed the *crater* the quality, as well as quantity, of the compound,—in other words, which of such vessels as the present might have measured out the wine, and which the water.

Whether any and what title was appropriated by the ancients to vases of this form, or of the use here suggested, I cannot now undertake to determine. The name of *simpula*, under which such objects have before now been described,^b does not appear to me applicable to them. The use of the *simpulum* is well known from ancient authorities, and its form may, I think, be precisely ascertained. It was employed for the purpose of drawing out wine from large vases, and transferring it to the *patere* for libation. Varro defines it as follows: "That with which they used to take (the wine) in minute quantities they have named *simpulum*, from taking (*sumendo*). Into the place of this has succeeded in banquets the *epichysis* and *cyathus* introduced from Greece; in sacrifices the *guttus* and *simpulum* have remained."^c The etymology here, as usual with ancient philologers, is rather fanciful than sound; but the description of the use of the object, which must have been well known to Varro, cannot be doubted. Consistent therewith is the language of Festus: "The *simpulum* was a little vase not dissimilar from the *cyathus*, with which libations of wine were made in sacrifices; whence also women devoted to religious rites were called *simpulatrices*."^d Now as regards the *cyathus* of the Greeks, to which Varro refers, a monument is preserved in the Museum at Naples, which clearly illustrates both the original implement and the manner of using it. On a fine fictile vase, of the form known as *stamnos*, is painted a sacrifice to Dionysus, in which a female

^a Od. III. viii. 13.

^b Vide Archæol. xxxix. 509.

^c "Quo sumebant minutatim, a sumendo Simpulum nominavere. In hujusce locum in conviviis à Græciâ successit Epichysis et Cyathus; in sacrificiis remansit Guttus et Simpulum."—De Ling. Lat. v. 124 (ed. Müller).

^d "Simpulum vas parvulum non dissimile cyatho, quo vinum in sacrificiis libabatur; unde et mulieres rebus divinis deditæ Simpulatrices."—De Verb. Sign. *sub voce*.

votary is taking wine from a large *stamnos* with a ladle, and pouring it into a cup.^a Inside this fictile vase was found a bronze ladle, exactly similar to that painted on the exterior. This, therefore, was evidently the *cyathus*. Similar ladles are preserved in the British Museum and other collections; and specimens are published in the Museo Borbonico, though not under the name here assigned.^b It appears from the passage quoted from Varro that the *cyathus* had in his time been adopted in Roman banquets. It was there used by the slave who attended each guest, and replenished his cup; and it is in this sense referred to by Horace, "Puer quis—ad cyathum statuatur?" The *cyathus* was doubtless originally made to contain exactly the amount of the liquid measure of the same name; and if this dimension was always preserved, the slave would have had to replenish it for Mæcenas one hundred times. The *simpulum*, however, or sacrificial ladle of the Romans, though described by Festus as "not dissimilar from" the *cyathus*, seems to have been not quite identical with it in form. As an instrument emblematic of the priesthood it is frequently represented on coins, and has then always a shorter handle, and generally a wider and shallower bowl, than the *cyathus*.^c Altogether its form corresponds to the specimen published in the Museo Borbonico, vol. iv., plate xii., figure 6, which I should regard as the standard type of the *simpulum*, just as the other three figures already cited from the same plate present good types of the *cyathus*.

It will be observed that both these classes of implements had an entirely distinct use from that here suggested for the bronze and silver vessels already considered. The employment of the latter would be merely in a process preliminary to the actual libation or banquet, and this will explain their absence from ancient representations of such scenes. The use of the *simpulum*, on the other hand, in filling the *patera* immediately for libation, was doubtless regarded as a part of the sacrificial act, and thus the implement itself acquired a special religious significance, which led to its delineation upon coins.

P.S.—Since this paper was submitted to the Society, I have had an opportunity of inspecting several other bronze vessels of the class here described, in the

^a Engraved in Gargiulo's *Recueil des Monuments du Mus. Royal Bourbon*, vol. iv.

^b Mus. Borb. iv. tav. xii. fig. 5, 7, 8.

^c Od. I. xxix. 7.

^d Vide Cohen, *Monn. de l'Emp. Rom.* vol. i. pl. xi. (Nero, No. 55); vol. ii. pl. xv. (M. Aurelius, No. 587); vol. iii. pl. x. (Caracalla, No. 384). Montfaucon has collected several of such coins, vol. ii. p. 1, b. iii. c. iii. pl. LIII.

gallery appropriated to the "*Histoire du Travail*" in the Universal Exhibition of 1867 at Paris. These vessels, of which five bear stamps inscribed with the makers' names, were all discovered in ancient Gaul. Generally they do not vary from the type represented by the Castle Howard examples; but one exhibits a novel feature. It is a vase, belonging to M. Charvet, numbered 757 in the Official Catalogue, and there entitled, like most of the others, a "*casserole*," or "*saucepan*." The place of its discovery has not been recorded. The bowl of this is decorated externally in low relief with a bearded mask, of which the hair passes into foliage, enveloping two swan's heads. On all other specimens known to me (including No. 739 in the same Exhibition, which is entitled a "*deep patera*") the ornamental reliefs are confined to the handle. This peculiarity, it will be seen, is in no way inconsistent with the use here suggested for such vessels, but would surely be not very appropriate on the supposition that they were saucepans.

My attention has also been called by Mr. A. W. Franks to an account of a vessel discovered in 1864 at Pymont, in North Germany, and published by Mr. Director Ludwig of Darmstadt.^a This vessel, which is of bronze, and of the same general form as those here discussed, is remarkable, and of its class perhaps unique, in its style of decoration; for not merely the handle, but the whole exterior of the bowl, is covered with the remains of *champlevé* enamel, in blue, red, and green colours, forming an elegant arabesque of foliage, tendrils, and geometric figures. It has no inscription; but, from analogies of form and workmanship, Mr. Ludwig is fully—and I think rightly—convinced (notwithstanding a doubt suggested by Mr. Von Olfers) that it is a production of Roman art. It need scarcely be pointed out how incompatible the enamel decoration would be with the culinary use commonly assigned to such vessels.

In conclusion, it may not be irrelevant to add that the British Museum possesses a small glass vase of Roman work, very similar in form, allowing for the difference of material, to the subjects of the preceding paper. It is stated to have been discovered in 1828, within a marble "*cist*" (probably a sarcophagus), at Vaison, the ancient Vasio, in the Department of Vaucluse, and was acquired for the Museum with the collection of M. Comarmond of Lyons. Whether this vase had ever any actual use, or was merely designed as a mortuary offering, we have no evidence to show.

^a Jahrbücher des Vereins von Alterthumsfreunden im Rheinlande. Heft xxxviii. p. 47, Taf. 1.

XVII.—*Extracts from the Churchwardens' Accounts of the Parish of Leverton, in the County of Lincoln : a Letter from EDWARD PEACOCK, F.S.A. Local Secretary for Lincolnshire, to Augustus Wollaston Franks, Esq. M.A. Director.*

Read November 22nd, 1866.

DEAR SIR,

Leverton is a parish in the wapentake of Skirbeck and parts of Holland in the county of Lincoln. The name has usually been thought to be a contraction for Leofric's town, but, as the assertion rests on no better authority than the Pseudo-Ingulph,* it may be dismissed without examination. Whatever may have been the origin of the name, it has suffered little distortion or corruption during the course of eight centuries. The Domesday spelling,† though not quite the same to the eye, is identical in sound with that of the present day.

‡ Leverton contains at the present time about eight hundred souls and an area of upwards of three thousand five hundred acres. It is little more than six miles distant from Boston—the capital of the Fens—and, like most of its sister villages, possesses a beautiful church, or rather the remains of a church that has once been beautiful; for three hundred years of neglect and injudicious, though well-meant, restorations in the last century have swept away almost everything of interest within the building, and have disfigured the exterior by the erection of a clerestory in the worst possible taste. The whole of the fabric, except this addition, is of late-Perpendicular character. An engraving of it may be seen in the last edition of Thompson's History of Boston.‡

The parish of Leverton had formerly two distinct rectories, called the boreal and the austral medieties. The tythes of the whole parish were equally divided between the two rectors, and each of them possessed a separate rectory-house, both of which stood within a small inclosed space on the south-eastern side of the churchyard. The origin of this singular arrangement is unknown. If we may trust the list of rectors published by the late Mr. Thompson § we have

* Sub anno 870.

† Levretune.

‡ P. 555.

§ P. 557.

evidence that it was in force in the reign of Edward the Third. Robert and John were, according to the printed table, rectors in 1333. This arrangement continued in force until the beginning of this century.

On the 16th of May 1800, an Act of Parliament was passed for the consolidation of the two medieties.* This Act directs that the Crown (as the patron of the North Mediety) and the Reverend Samuel Partridge (as the patron of the South Mediety) should present alternately to the consolidated rectory.

Among the old tythe regulations were some singular local customs. Every householder paid a yearly offering of three halfpence under the name of smoke-money, and each person who partook of the Holy Communion two-pence as an Easter offering.† Tythe in kind was paid for fruit,‡ nuts, pigeons, roots, honey, and wax. Two eggs were paid for each hen and duck, and three for each cock and drake.

The following Extracts have been made by me from a foolscap folio volume, containing at the present time ninety-three leaves. There is evidence that a few others have been lost. The present Rector found the sheets of which it is composed among the parish papers in a very tattered condition, without cover of any kind, and only kept together by a string. The quotations here given, numerous as they seem, are but a very small portion of the document.

In making selections of this kind it is always difficult to determine what portions should be given and what excluded. The editor of a church account-book feels this difficulty more than one who is engaged in a record with higher claims to general interest. So much occurs of a seemingly unimportant nature which still remotely illustrates the social and domestic life of the past that he has great temptations to diverge into endless repetitions or childish trivialities. If I am thought to have done so in this case my excuse must be, that, notwithstanding all that has been written on the subject, no period of our annals is so much in need of light as the era of the great Tudor Revolution. The history of the change in religion effected by that long continued convulsion which Henry the Eighth and his children directed is one of the most interesting events in the annals of modern Europe. If we think of it in all its aspects of good and evil, and

* Commons' Journals, vol. lv. pp. 373, 377, 408, 447, 538.

† In some places in Lincolnshire the peasants have an opinion that the alms given at Holy Communion is a charge made by the clergyman. I have known a woman refuse to receive the consecrated elements because she found that she had forgotten her purse.

‡ Hothouse plants and exotics were claimed to be subject to tythe in the parish of Kensington, A.D. 1781. —*Gent. Mag.* vol. lxvii. pp. 663, 939.

look to the future as well as to the past, I know of no other period so important, except the Civil War of the following century, which was indeed but the closing act of the great drama of the Reformation.

It might be imagined from the following sheets that the passages quoted do not give specimens from every year, or that many years are wanting in the manuscript. This is not so however. At Leverton, as in many other of our rural parishes, it was customary in former days to permit the churchwardens to continue in office for several years together; and for them only to give up their accounts for audit once in two or three years. Thus, in the papers before us, the year at the head or foot of the account does not in all cases indicate the exact year of the receipt or payment recorded.

I have given, towards the close, a few extracts from a quarto volume of the accounts of the Leverton overseers of the poor, ranging from 1563 to 1598.

The late Mr. Thompson in his "History of Boston" has published some translations and condensed extracts from this compotus. Unhappily however that industrious antiquary did not examine the record himself, but trusted to some transcriber who was utterly unable to read the original. The result has been that many of the most noteworthy entries are omitted, and those that are given are frequently so blundered as to entirely pervert the sense. As is not unfrequent in documents of this kind, a certain amount of bad Latin will be found in these accounts. I have endeavoured to reproduce the contractions actually used as nearly as might be, although they are often not those which a well-educated calligrapher of the period would have employed.

My warmest thanks are due to the Reverend Charles Francis Newmarch, M.A. the present Rector of Leverton, for giving me permission to transcribe the whole of this interesting manuscript.

I remain, dear Sir, faithfully yours,

EDWARD PEACOCK.

1492.

Compot⁹ Wal⁹ Busche* & Wi⁹ Clark ppositores (*sic*) eccl^e de leūton in festo s^ci martini año dñi M^o cccc^o nonog⁹ s^cdo & año r⁹ r⁹ henric⁹ vij octo.

| | | | |
|---|---|---|-------------------------------|
| In p ⁱ m ⁹ recepi de Ric ⁹ Rob ⁹ son & Joh ⁹ merild pposit ⁹ año elapso | . | . | vij s. |
| I ⁹ rē de Joh ⁹ Wright rect ⁹ de leūton p deb ⁹ Wi ⁹ murr † | . | . | iiij s. |
| I ⁹ rē de eod ⁹ Joh ⁹ p p ⁱ quesit ⁹ diet ⁹ Wi ⁹ murr ad sum ⁹ crusifix | . | . | ij d. |
| I ⁹ rē de eod ⁹ Joh ⁹ p d ⁹ Wi ⁹ ad altar ⁹ s ^c e marie | . | . | ij d. |
| I ⁹ rē de eod ⁹ Joh ⁹ p d ⁹ Wi ⁹ ad altar ⁹ s ^c i Thōe | . | . | ij d. |
| S ^m a | . | . | x s viij d. (<i>sic</i>) |

Rent⁹ ass⁹ pⁱntinen⁹ summ⁹ crusifix

| | | | |
|---|---|---|----------------|
| In p ⁱ mo rē de Ag ⁿ e Rob ⁹ son p vn ⁹ pascu ⁹ voc ⁹ Cote Croft | . | . | iiij s. |
| I ⁹ rē de Joh ⁹ Wryght rect ⁹ p vnu ⁹ pascu ⁹ voc ⁹ Chytchowe † | . | . | xij d. |
| I ⁹ rē de Wi ⁹ Rob ⁹ son p deb ⁹ ag ⁿ Rob ⁹ son p ead ⁹ pascu ⁹ | . | . | ij s. |
| I ⁹ rē de Thōa fendyk p ead ⁹ pascu ⁹ vo ⁹ Chytchowe | . | . | vij d. |
| S ^m a | . | . | vj s vijd. |
| S ^m a tot ⁹ recept ⁹ | . | . | xvij s iiij d. |

Expensu⁹ p man⁹ diet⁹ pposit p pdiet eccl^e

| | | | |
|---|---|---|---------|
| In p ⁱ mo sot Joh ⁹ Clark p emend vni ⁹ bell coler | . | . | j d. |
| I ⁹ sot p clau ⁹ p emen ⁹ de bell qwelys | . | . | j d. |
| I ⁹ sot p vnu ⁹ lintheami ⁹ peamiū | . | . | iiij d. |
| I ⁹ sot Thōe Silam p fac ⁹ viij ⁹ ti hempe | . | . | ij d. |
| I ⁹ sot Wal ⁹ Wytnese p trussyng of y ^e belle | . | . | vj d. |
| I ⁹ sot Edm ⁹ hopkynson p emen ⁹ campan ⁹ | . | . | j d. |

* The Busseys were a family of very old standing in Leverton and the neighbourhood. In the Subsidy Roll for this parish in the 6th Edward III. we find the name of Bussey the second in the list of persons taxed. There is, I believe, no reason to doubt that the Busseys of this place were an offshoot from the knightly house of Bussey of Hougham, in this county. I have, however, seen no evidence by which to prove the connection. A valuable chartulary of the Busseys of Hougham is in the British Museum, and yet remains unprinted. It forms No. 1756 of the Harleian Manuscripts.

† A William Murre, probably this person or a near relative, was the host of the Lion inn, situate in Bargate, Boston, in the early part of the succeeding century. He rented this house of the gild of the Blessed Virgin Mary of Boston for the yearly sum of fifty shillings. He was dead in the 7th of Henry VIII. *Compotus Gildæ B.V.M.* fol. 4.

‡ The Church hill; A.-S. *Cyrece Hou.*

| | | | | | |
|---|------------------------------|-------------------------------|--------|-----------------|------------|
| It sot p ix ti cere vnde vj ti payde aft ^o | vij d. | a ti & ij ti aft ^o | vij d. | ob. ti j ti for | |
| vij d. | Sma totalē | . | . | . | vs x d. |
| It sot p factiōe ei ^o d cere | . | . | . | . | ix d. |
| | Sma tot ^o expensū | . | . | . | vij s x d. |
| Oñib; compu ^t computand. | | | | | |

1495.

| | | | | | |
|--|----------------------------------|---|---|---|-----------------|
| Rec ^d de Roberto hardy p legacōe pa ^r is sui | . | . | . | . | — |
| Rec ^d de Joh ^e scheparde de Ben ^y gton p sepultur ^o | Joh ^s hop son | . | . | . | — |
| Rec ^d de Joh ^e Tamworth* armi ^o p antiquo debi ^t | Joh ^s grene . | . | . | . | iiij s iiij d. |
| Rec ^d de philippo pot de newark drapar p leg ^o | Wiffmi Johnson Rector | . | . | . | xiiij s iiij d. |
| Receperūt de willmō wryght p debito Joh ^s wryght | Rec ^d | . | . | . | x s viij d. |
| Rec ^d de dco willmō wryght p lumie | . | . | . | . | iiij d. |
| Rec ^d de execu ^t Joh ^s Robertson ex legacōe | . | . | . | . | iiij s vj d. |
| Rec ^d de Ric ^o fendyk emenda ^o i vestimentor ^o | . | . | . | . | vij d. |
| Rec ^d de execu ^t walteri Buschy p sepultur ^o & oñnb; altar ^o | eclia | . | . | . | vij s ij d. |
| Rec ^d de gilberto Birkys voluntarie da ^t | . | . | . | . | vij s viij d. |

| | | | | | |
|--|---|---|---|---|--------------|
| In primis p le sewyng Rope | . | . | . | . | iiij d. ob. |
| sot p Emenda ^o e Campanile | . | . | . | . | vj d. |
| sot p j ti sere & fact ^o ei ^o de ^o | . | . | . | . | vij d. |
| sot vni laū ^t ci p laua ^o e | . | . | . | . | iiij d. |
| sot p sanctifica ^o e vni ^o calic ^o | . | . | . | . | xij d. |
| sot p le Carage magne campane | . | . | . | . | ij s iiij d. |
| sot p le trossyng dce campane | . | . | . | . | ij s iiij d. |
| sot p fact ^o de ij. scolpys † | . | . | . | . | vij d. |
| sol p Emenda ^o e vestimentor ^o | . | . | . | . | xvj d. |
| sol p emenda ^o e campanilis | . | . | . | . | iiij d. |
| sol p emenda ^o e arcar ^o | . | . | . | . | iiij d. |
| sot Willmō wryght de Benyngton p le hengyng of y ^e grette belle | . | . | . | . | ij s. |
| sot p paupiro | . | . | . | . | iiij d. |

* John Tamworth was father of Christopher Tamworth, the rector of the South Mediety of the rectory of Leverton in 1534, when the *Valor Ecclesiasticus* was taken. The family took its name from the borough of Tamworth. The branch of which the person named in the text was the head, had been settled in Lincolnshire from an early period, and had matched with the families of Thimbleby, Ayscough, Kyme, Willoughby, and other houses of distinction.—*MS. Queen's Coll. Oxf. F. 22, fol. 4.*

† A scolp is a wooden shovel. The word is in this county usually restricted to the large shovels used for turning grain and potatoes. The family of Scolpholme of Lincolnshire used a scolp as an heraldic pun upon their name. Their arms were *Argent, a scolp in pale sable between six water-cress leaves of the same.*—*Yorke, Union of Honour, Linc. Arms, p. 47.*

| | |
|---|---------|
| for vax | xij d. |
| for a ston hempe to y ^e bellstryng | v d. |
| for a lantryn makyng in boston | iiij d. |
| for a lokke makyng to y ^e kyrke dore | xix d. |
| payde to geny dowson for cloyse wychyng | xj d. |
| in expensys at boston puttyng vp | iiij d. |

1498.

| | |
|---|------------------|
| Thys ys y ^e som of the mone yt Xyprston pyckyll & Robarde tayljer resseuyd of y ^e gaderyng of y ^e town schyp of leuton in y ^e kyrke | iiijti xiijs xd. |
| Resseuyd of Wyllm poldertofte of the Sopulcur lythe | vjs viij d. |
| Resseuyd of Thomas fyndyke wyt ward* | vij d. |
| Resseuyd of y ^e parson of y ^e north parsonage | vjs viij d. |
| Resseuyd of Riçi robbardson fo (sic) y ^e mone he avt y ^e kyrk | xs. |
| Resseuyd of Sander mytlam wytword | iiij d. |
| Resseuyd of Essabell bell for her wyt word | ij d. |
| Resseuyd of annys bussche of lucus gate for the wytword of hair hosband | vs viij d. |
| Id ^o annys bussche to the rod lofte | vj d. |
| Resseuyd of Riçi dawson yt left of y ^e tax | xv d. |
| Resseuyd of y ^e gylde of Scaynt hellyns † | xiijs iiij d. |
| Resseuyd of y ^e plowth lyth of leuton | xls. |
| Paid for ston at y ^e qwarryll | xxxix s viij d. |
| Expencys at y ^e qwarryll & at boston as wye com howmward | v d. |
| Expencys whan wye war at y ^e wod | iiij d. |
| for pauper and yngke | iiij d. ob. |
| for Wode to y ^e stepyll | xvj d. |
| for a Spade to the kyrk | vj d. |
| for a lye to draw y ^e cortyn hour the qwer wyt ‡ | j d. ob. |

* Probably a mortuary.—1481, "Of Cutberd Eyer for the Queth Word of Tym Chawmbyr 40 s." *Walberwick Churchwardens' Accounts, Gardner's Dunwich*, p. 148; 1505, "Of Will'm Atkyn for witword of Will'm Joneson wen[er] p't of amore [a larger] some, vjs viij d." *Compot. Eccl. Se'i Jacobi de Louth, com. Linc. MS.* p. 104; "1543. Item res' for Will Briggs bereall and for his wytward vjs viij d."—*Kirton in Lindsey Churchwardens' Accounts; Proceedings of Soc. Ant.* 2 series, ii. p. 386. Cf. Nichols's *Illustrations, &c. from Churchwardens' Accounts*, p. 200.

† Leverton church is dedicated to St. Helen.

‡ The lenten curtain which hung between the choir and the nave. It remained hanging between the altar and the people during the whole of the mass until the gospel was read, when it was pulled aside, and the altar remained unveiled until the "orate fratres" had been said. It would seem that this veil was withdrawn during the whole day on festivals of the double class. The lenten veil was commonly of a violet colour. The ground was sometimes white and richly ornamented with red crosses.—Rock, *Church of our Fathers*, iii. 221-225.

| | |
|--|----------------|
| for a loke to y ^e logge dor | iiij d. |
| for Sowying roppe | v d. |
| for naylle & tackyte | iiij d. |
| to y ^e Smyt of leke * for hyngyng of y ^e belle | vj d. |
| to Wyllm Red for red byndyng | ij d. |
| for cloyths wessyng agayn yowll | vj d. |
| for cloyths wessyng a gayn passe | iiij d. |
| to the plummar | iiij s vj d. |
| for a bord | x d. |
| to Thomas macyn for goyng wyt vs to y ^e quarryll | iiij d. |
| in expencys at y ^e sam tyme | xiiij d. |
| for a wendde † & a man a day | v d. |
| to a glouar for a schep skyn & a caf skyn to bynd boke wyt in y ^e kyrke | xj d. |
| to the boke bynddar hys hyre | xxj d. |
| to y ^e sam boke bynddar | xvj d. |
| for makyng clen of y ^e bell hows lofte | j d. |
| for iiij ti sawder | xvj d. |
| in expencys gwan wye went for Swynsyd fayr to the quarryll ‡ | vj d. |
| for wytledder | ij d. |
| for fyre to y ^e plomar | ij d. |
| for nayls to the plomar | ij d. |
| to Wiltm Wryth for y ^e bell welys | xiiij d. |
| for stabell & hoder thengs to y ^e font § | iiij d. |
| to y ^e Wryth whan he com to se hys warke a for he be gan to worke | iiij d. |
| for y ^e boke byndder bord a Weke | x d. |
| for y ^e boke byndder bord and his Wyfe a noder weke | xvj d. |
| to Thomas Masyn for wyrkyng of y ^e stepyll | xxvj s iiij d. |
| for a tre bowt at Tombe wode | ij s. |
| payd to a wryth for setting vp of a fern ¶ to hym & hys man | xviiij d. |
| payd for y ^e Wrytte bord whan they syt vp y ^e fern | x d. |
| payd to y ^e Wreth for makyng of y ^e tember warke to y ^e stepyll | xiiij d. |

* Leake is an adjoining parish.

† A winch or windlass for raising stone at the quarry.

‡ There is a fair at Swineshead for cheese, onions, &c. on the 2nd of October. The cattle fair is held on the first Thursday in June. Swineshead was the site of a small Cistercian abbey. *Monast. Angl.* ed. 1849, vol. v. p. 336. It is about fourteen miles from Leverton.

§ Fonts were required to be kept locked, lest the water should be used for magical purposes. This rule dates from early times, and is of constant occurrence in the decrees of local councils. Almost all the old fonts which yet remain have upon them the marks where the hinges and staples have been inserted.

¶ Quare a scaffold.

| | | |
|---|-----------|---------------------|
| for lyme to y ^e masyn | | iijs iiij d. |
| for a sope barryll | | iiij d. |
| to a ca ^p * for makyng ij tobbyys of yt for y ^e masyn to werke wyt † | | iiij d. |
| for the fychyng ham of y ^e same tobbyys | | j d. |
| to y ^e sawharf for sawyng of y ^e bord to y ^e stepyll | | ijs vj d. |
| payd for the Sawharf bord for vij days a man | | xvj d. |
| for a Wendas at maram | | ij d. |
| to Wyllm puldertofle | | vj d. |
| for a tre y ^e wendd ^o was made of | | viiij d. |
| for a ti of greese | | j d. |
| in expencys whan wye bowt y ^e lyme | | ij d. |
| to John pyckeryng for a lod of sand fycyng fro y ^e se | | iiij d. |
| to Robard tayler for y ^e lyme fetyng hom | | vj d. |
| payd or he cowl com hour y ^e bryg | | j d. |
| to Ricu ^o wynton for a nax | | j d. |
| (sic) | | |
| payd be y ^e hande of Robard Thaylzer in herness for lede | | vjs viij d. |
| payd at a noder tym be y ^e handys of Robard taylzer for y ^e mene was last in boston | | vs. |
| for a lyn to y ^e hy quere ‡ | | j d. |
| for a lyn to y ^e rod lofte | | j d. |
| for a ti sawder to Robard taylzer for y ^e plommar | | iiij d. |
| payd y ^e Smyth for makyn of a godgon to a bell | | j d. |
| to Rankyng hod wyfe for menddyng a sorplys | | ij d. |
| to a glaysyar for makyng of a glas wyndo | | xvj d. |
| to y ^e breñ of Swynsyd fen wan y ^e com from y ^e quarryll wyt the ston | | xx d. |
| in expencys at freston wyt y ^e brener § | | ij d. |
| for a carte to bryng y ^e led fro boston | | xvj d. |
| Xpyrstan pyckyll for a puter plater for to make sowder of | | ij d. |
| for nayllys to y ^e glas wendo | | ob. |
| for a payr of sensars makyng | | j d. ob. |
| for a fodder led | | iiij li vjs viij d. |
| in expyncys whan we bowt led | | ijs xd. |

* Carpenter.

† The "sope barryll" had been cut in two and the halves used as buckets to draw material in to the masons at work upon the tower.

‡ There were two curtains in use during Lent, to each of which a line was attached. The first hung in the high choir immediately before the altar, the second between the nave and the chancel.—*See note ante.* Hart, *Ecclesiastical Memorials*, 233.

§ Lime-burner.

|| A fodder or fother of lead is 19½ cwt.; "according to the book of rates 2,600 lbs., at the mines 2,250 lbs., among the plumbers at London 1956 lbs."—Bailey, *Dict. sub voc.*

1503.

| | |
|---|-------------------|
| resseuyd of the wyt word of Syr Richard hardys of boston | xx s. |
| resseuyd of the wyt word of John gren to y ^e hy awter and to Toder awtere | xij d. |
| resseuyd of the gyfte of John Red Marchand to hour kyrke be the hande of Riçi Towtyng | v s. |
| in expencys at boston whan y ^e bell was schot | xx d. |
| payd for a bell clapper dressyng at boston | ij s. |
| to John Dalbe for baidree makyng to y ^e belle | vj d. |
| for a candylstye dressyng | xv d. |
| for a handbell makyng at boston | vij d. |
| for making of ij locke and bolster ^e to messur [*] | xiiij d. |
| payd to gynnyt Wascelar for helpyng of a sorplys | ij d. |
| for waynskot at boston | xxj d. |
| to Ellyn Acclyf for met and drynke | ix d. |
| to Rici messur whan y ^e bells was last hungyn | vj d. |
| for a lokke makyng to y ^e font | ij d. |
| to y ^e channon of breder tofte [†] | v s iij d. |
| to John walcar & wyllm busshe for makyng of stylis | xj d. |
| for y ^e Sanc ^l bell string | ij d. |
| payd to Thomas ketlar for beyng wh hym | iiij d. |
| for a hand bell makyng at boston | vj d. |
| to Riçi messur ^o for makyng of hyryn wark to y ^e bell | iiij d. |
| to ye plummar for makyng of y ^e san ^l bell | vj d. |
| to John Red bellgedar of boston for schotyng of a bell | iiij lijs viij d. |
| for cloys wessyng to gynnyt Wascelar at passe last was | v d. |

1506.

| | |
|---|--------------|
| Resseuyd of y ^e executors of John merryld y ^e sñ of hys wytword to the awters | xij d. |
| for y ^e sam John merryld for y ^e hy crusyfyx | iiij d. |
| of y ^e wytward of robard warnar to y ^e kyrke Warke | vj s viij d. |
| for y ^e forsayd robard wytword to y ^e hy awter | xij d. |
| Id Robard to howder of y ^e toder Awter ^e vj d. the som | xij d. |
| payd to John Walcar for makyng of the barryes to y ^e kyrke gap & the style | xv d. |
| to the clarke for scowryng of candelstycke ^e | ij d. |
| for tackette to the bell well ^e | ij d. |

* This entry if it stood alone would probably mislead; Richard Measure was the blacksmith employed to make the locks. The "bolsteres" were bolts.

† Brothertoft is a hamlet and chapelry in the parish of Kirton in Holland.

| | |
|--|--------------|
| in expencys at freston whan wye fest y ^e font to make* | v d. |
| for nayllys to the kyrke porche | j d. ob. |
| for nayllys to mendyng of y ^e stollis in the kyrke & for mendyng of the toder kyrke porche | iiij d. |
| to the clarke for helpyng of y ^e wrytte a day | j d. |
| for makyng of a bolder to y ^e bell qwell | j d. |
| in expencye qwhan y ^e went to y ^e quarryll to see y ^e ston | viiij d. |
| payd to a quarryll man for helpyng vs owt of y ^e quarryll & to teche vs y ^e way for tollyng † | j d. |
| payd to a noder man for guydynge vs thoro the feldys for paying of tolage ‡ | ij d. |
| payd for hayr cloth to syr John bussche to hour ladys awter & to scaynt Thomas | xviiij d. |
| payd for a tray of lyme at boston | x d. |
| payd for landyng of the sam lyme & fetyng of yt hom and landyng it | viiij d. |
| payd to Watkyng long for clay | j d. |
| payd for a halywa ^l stoc makyng | viiij d. |
| to Riçi measure for makyng of y ^e kyrke loc & y ^e kay & a kay to a kyste | ix d. |
| to y ^e pson for halloyng of a corporas § | vj d. |
| for schotting of y ^e led to y ^e font | xiiij d. |
| in expensye whan y ^e led was schotte | ij d. |
| to gynkyng Watkyngson & wa ^l long for mawynge Red ¶ a day to met & hyre | xij d. |
| to Wäter Wyflinson for byndyng of the sam Red & landyng yt & layng it to geder | xvj d. |
| for I ^p a dosyn ¶ suynge rope to y ^e kyrke | iiij d. ob. |
| in expencys at boston whan I bouth y ^e swyng rope | ob. |
| for naylle to y ^e latte whan the thykker was at the kyrke | ij d. |
| to ij men whan the thykkyr was at the kyrke to y ^e ton vj dayye & y ^e toder v dayys, to met & hyre on y ^e day iiij d. the som | ij s viij d. |

* Frieston is a small village about three miles from Leverton, on the Boston road. It is probable that the carver who made the present font at Leverton, which is certainly of this period, dwelt here; the supposition is strengthened by the fact that the font at Frieston, although much more elaborate, is very similar in character to that at Leverton. There was a Benedictine priory here—a cell of the Abbey of Croyland.

† Possibly this means that he instructed them the way in which they were to measure the quantity of stone that they had purchased; but see the next entry.

‡ They were, I imagine, guided through the fields to escape toll at a bridge or ford.

§ Probably the parson had paid a fee for the consecration of the corporax to one of the bishop's clerks or chaplains. Ecclesiastical vestments and utensils, in latter days at least, were always consecrated by one of the episcopal order. Lindwood says, commenting upon a constitution of Archbishop Edmund: "Vestimenta et alia ornamenta quibus Domino ministratur, non solum debet esse honesta, sed etiam sacrata, sive benedicta. Et debet hæc benedictio fieri ab episcopis non autem a simplici sacerdote."—*Constitut. Provinc.* lib. i. tit. 6. Maskell, *Monumenta Ritualia*, ii. ccli.

¶ Reeds for strewing in the church.

¶ Half a dozen.

| | |
|--|-------------|
| for ynke | ob. |
| for a noppyt * was don in leuton kyrke for gynnyt palmar of boston | ij s. |
| to a boke bynder for mending & bending of bokē | x s viij d. |
| payd Riči measure for a spade | vij d. |
| to Allyson hardy for cloyth wessyng a gayn pays | vij d. |
| to the sayd Allyson hardy for candylstyeke scouryng | iiij d. |
| payd for Arthrow at y ^e all whan he cō to se y ^e stancion of ye glas wyndo | j d. |
| payd for rossyll to the glayssiars | j d. |
| to John Walcar for makyng a payr of Trystyls | iiij d. |
| to the glayssyer for iiij dayys wark & di | xiiij d. |
| for iiij li sawder to y ^e glayssyr | xij d. |

1512.

| | |
|--|----------------|
| Resseuyd of Syr John pynebec of y ^e wyt word of Syr Robard Styrbard | iiij s iiij d. |
| of y ^e gyld mone on y ^e gylde day | xxiiij d. |
| for the beryall of syr John Bussche | vj s viij d. |
| of Riči messur for ye hold bell clapers | xix d. |

| | |
|---|----------------|
| payd in Ernyst when wye fest hour belle to make | iiij d. |
| in expencys thayt day hour belle war schotte | iiij s viij d. |
| for strykyng of the bylle | iiij d. |
| for paup | ob. |
| in expencys whan wye fette the belle fro boston | vij d. |
| payd to lenard pynchbec of boston in payrt of payment four hour belle gyddyng | vij li ix s. |
| in expencys in bred & alle whan y ^e belle were weyd | iiij d. |
| for ij oblygacyonē writing in boston | vj d. |
| for the nobbyt of wa ^r bussche & his wyfe | vs. |
| to John hauthro for hyngyng of the belle | xxvj s viij d. |
| to a Sawar ij dayē | vij d. |
| in expencys at boston a for y ^e comesere † (sic) | vij d. |
| in expencys at lyncolne yt John bussche gadered in y ^e kyrke | ij s v d. |
| in expencys at london for ix dayys a hors & a man | vij s. |
| in expencys for the comesore & hoder thyngē | xs. |
| to Thomas Myllyt for wyrkng a bout y ^e kyrk | iiij d. |
| to John Aclyf for drawyng herth wyth ys horsse | ij d. |
| to Syr wyllm Stedman for a wanscot | xx d. |
| for pavper & ynke | ij d. |
| for a ston of hempe & ij li. to bell stryngē | ix d. |

* An obit.

† Commissary.

| | |
|---|--------------|
| for makyng of y ^e sam hempe | viii d. |
| in expencys at lyncolne whan y ^e wrytyng was browth hom | xvj d. |
| for the mans wage, Rod to lyncolne for hys hyre | xij d. |
| to gynnyt Robbardson for mendyng of a westment | iiij d. |
| to mayst comesore for the de gre wye suyd for hour parys preste | xs vj d. |
| to master peter for wrytyng of y ^e sam dege (<i>ne</i>) | vj s viij d. |
| for fyttyng home of a barryll | j d. |
| for watking b ^o sche terment for bred & all & to prestys and clarkē | vs. |
| for makyng of a style at lym hous hend to John Walcar | vj d. |
| to Riçi messur for a claske makyng to a portas syr John bussche gaf to the kyrke | j d. |
| to harry Est gate for clymyng to y ^e santē bell | j d. |
| to Syr John Spnke for makyng of a challe | xij d. |
| payd coylzerrent* for y ^e hous marryon clarke gwellē in | ij d. |
| for a callys halloyng | iiij d. |
| for a payr of sensers chaynys whan mayst pson was at london | xij d. |
| for bryngyng hom of a payr of sensers fro london | vj d. |
| for a loke makyng to hyng of y ^e fonte | j d. |
| for wal bussche terment to prestys & clarkys and bred & alle & schese | vs. |
| for layng togydder of y ^e kyrke Red | iiij d. |
| to harry Est gate for hyngyng vp of y ^e sakyrmēt | j d. |
| to Edmond colchesē for stoyng of y ^e Red | ij d. |
| for iij kayys makyng & mendyng y ^e start† of y ^e santē bell | ix d. |
| payd coylzer* rent ij yere for y ^e kyrke yng | iiij d. |

1516.

| | |
|---|---------|
| for a ston of hempe | viii d. |
| for y ^e makyng of y ^e sam hempe | iiij d. |
| for y ^e nobbyt of water bussche to y ^e preste & clarkē & all & bred | vs. |
| for Clement y ^e wryth whan I fet him to see hour bellē | ij d. |
| for Clement ye wryth denar & for arewarde (<i>ne</i>) | vj d. |

* This payment very frequently occurs in almost every possible form of mis-spelling. Its meaning is by no means clear. It may be a form of the word culvertage, *culvertagium*, a term used to indicate the escheating of a vassal's lands to his lord. Du Fresne's *Gloss.* and Jacob's *Dict.* sub voc. Cf. *Mat. Parisiensis Historia Minor*, ed. Madden, ii. p. 133. Culvert is a common word in Lincolnshire and elsewhere for a drain or sewer. It is not improbable that this rent may have been a tax for keeping the culverts in order. It has been suggested that the proper form of the word is culver-rent, and that it was a tax paid to the Lord of the Manor in lieu of his right of keeping pigeons. A.S. Culfre, a dove. This seems extremely unlikely.

† Handle.

| | |
|---|-------------------|
| John wallcar for a day wyrkyng abowt ye bell wellē | vj d. |
| for makying of yt y ^e lamp hyngys in | iiij d. |
| for y ^e stryngē y ^e lamp was hong wyth | j d. |
| to wyllm Robbardson for a c Red * to ye kyrke | xij d. |
| to the clarke for wrytyng | xij d. |
| Resseuyd of gadderyng in the kyrke | iiij li vjs vj d. |
| Resseuyd of Thomas Ratforth & gynkyn watkyngson of y ^e sepulchyr lyth | xiijs iiij d. |
| In expencys whan the masyn was wyth hus & bouth the ston & for Thomas westland & wyllm Robbardson | ij s iiij d. |
| for schoyng of my hors whan I rod to y ^e qwaryll | iiij d. |
| for makying a payr of in denterē be twyx the quarrylar & us | ij d. |
| for led to the kyrke stake † | ix d. |
| to harre est gat for syttyng of the kyrke stake | ij d. |
| to wyllm warryson for dykyng of y ^e kyrgarth dyke | iiij d. |
| to Thomas coke mone he layd howth for the gyld hous chymnay makying | xviiij d. |
| to John walcar for a lettryn makying in y ^e quere | v d. |
| for the quarryll man denner at boston | ij d. |
| to wyllm cortys for breneage ‡ in the fen | ij s viij d. |
| to y ^e clarke for making your accounte | xij d. |

1517.

| | |
|--|---------|
| Whan the masyn was her & mett y ^e ston in expencys | iiij d. |
| ^c for iiij iiij penne naylle | xij d. |
| ^c for ij of ij naylle | iiij d. |
| at bosston for a tray of lyme | xvj d. |
| for bryngyng hom of y ^e sam lyme | ij d. |
| to symond webstar for makying clyn of y ^e loge | j d. |
| to a Tyncar for mendyng boke | iiij d. |
| to the masyn whan he toke y ^e chyrche of hys bargain | xvj d. |
| to the masyn for laying on of y ^e water tabylē | v s. |
| to y ^e wryths for hyngyng of y ^e kyrke & huyng of y ^e schorys § | vj s. |

* A hundred bundles of reeds.

† Perhaps the churchyard cross. In that case the lead was used for the purpose of making the shaft fast on the base.

‡ This may have been a payment in lieu of a rent paid in bran. *Brennagium*, tributum quod pro *brennio* præstatur, vel *brennium* ipsum, quod tenentes dare tenentur dominis suis pro canum venaticorum pastu. Du Fresne, *Gloss. sub voc.* I believe, however, that it indicates a payment for burning the seed and coarse grass in the fens.

§ The north side of the church was at this time under repair. The shores were temporary supports of timber given to the walls. The word is still in use.

| | |
|---|--------------|
| to y ^e persan for wode to y ^e kyrk gate & to a letryn | viiij d. |
| for iij tray of lyme John pyckyll browth hom | vj s viij d. |
| for beryng & metyng of y ^e lyme | viiij d. |
| to y ^e wryth for schoryng of y ^e north syde of y ^e kyrke | ij s ij d. |
| to y ^e masyn for myndyng of crake & sparsette* and mendyng of deffawte | xx d. |
| to Symond webstar for dressyng of y ^e kyrke | iiij d. |
| for the santus bell makyng | ij s. |
| to a westement maker | iiij s v d. |
| for a challys makyng | xx d. |
| to Easbell fendyke for mēdg of vestmentē | viiij d. |

1519.

| | |
|---|----------------|
| Resseuyd of Thomas westland for the land water bussche sett to kepe hys nobbet wyth | v s. |
| of Edmond pycheryng for the land the town sold h̄y | xx s. |
| for S. John bows berryeall | vj s viij d. |
| payd for a Swan was sent to the parson | iiij s iiij d. |
| for bokys was bouth to the new fest | iiij s iiij d. |
| for carrying of a San* to London | xij d. |
| for halleyng of the kyrke† | xl s. |
| for Thomas coke for y ^e kyrgath halloyng | xx s. |

1521 (*circa*).

| | |
|--|--------------|
| solueŕt vni lautei p locone linior ⁹ vestimētor ⁹ ecctiastic ⁹ arga festu ⁹ penthecostes (<i>sic</i>) | viiij d. |
| soł pro smigmate ad corporalia abluenda | j d. |
| soł pro vna libra cere et p factura eiusdem | xj d. |
| soł vno tectori p emendaçõe occidental finis ecclie p tribz diebz | xviiij d. |
| Roberto gambull ſuienti eidē tectori tribz diebz | xv d. |
| soł vxori Rōbte gambull p auxiliaçõe et impleaçõe le tryppull vna die | iiij d. |
| soł seruo illi ⁹ q̄i faciet tabulam alabaſtri q̄ veniebat huc p labore suo | v d. |
| soł p quiqz v'gis panni lini pingend p summo altari | ij s vj d. |
| soł illi qui faciet tabulam alabaſtri q̄ veniebat p expens suis | xij d. |
| soł vno pictori p pinxione panni lini pendendi coram suño altari | ij s viij d. |
| soł factori tabule alabaſtri in pte soluçõis vni ⁹ pacti p factura ei ⁹ d ⁹ tabule | vj s viij d. |
| soł p vna petra et q̄art canobi ad cordas faciend ⁹ et p factura earūd ⁹ | xvj d. |

* The holes which had been made in the walls for the ends of the shores.

† Quære Swan.

‡ Reconciling the church after the above-mentioned repairs.

| | |
|---|----------------|
| sof p vna lanterna habente quiqz luminaria | x d. |
| sof pro linia ad puam campanam vocat sanct bell pulsand ^o | j d. ob. |
| sof in malo & fracto argento ad emēdaçõe; pixidis in quo corps xpi portat ^o ad infirmos | xviij d. |
| sof aurifabro pro factura eiusd ^o pixid ^o | xij d. |
| sof p emēdaçõe magne sere que est de ausali ostio ecclie et p duobz lat ^o peciis de ferro ad idem hostium vna quadra ^o & alia rotund ^o | xiiij d. |
| sof p jonis ad cingend ^o psbicos ad missam & p le taps | iiij d. ob. |
| sof p ffactõe albe qua Ricus busche dedit altari sc̃i thome mris | iiij d. |
| sof p emendaçõe veli templi pendentē in ^o chorū & altare in qādragesīa | iiij d. |
| sof pro anulis curtinis ad iddem velū | ob. |
| sof p sanctificaçõe p̃dicte albe et alior ^o vestimēt altar ^o | vj d. |
| sof Johñi broke factor ^o tabule alabastrī in plena solucõe p eadē tabula | viiij ti. |
| sof p̃fato Johñi brooke p le vawte stante sup sumitatē tabule | vj s viij d. |
| sof in expens ^o ad deliberaçõz tabule p̃dicte | vj d. |
| sof ad mawns lawhton pro le ook woode ad eand ^o tabulam | viiij d. |
| sof p clauis | ij d. ob. |
| soluer ^o Thome gyson p saraçõe vni ^o ligni | iiij d. |
| sof dño wiffmo wryght psbiçō pochiali pro recordaçõe Thome graste et agnetē vxoris sue Johannis et wiffmi filioru ^o suor ^o in le bedroole | iiij d. |
| soluer ^o t pro le knoppys & sylke taschellē pendent ^o p sacramentū | xij d. |
| soluer ^o t pro le sylke frence | xxj d. |
| sof Nicolao fabro p ope ferreo circa tabulam alabastrī | ij s viij d. |
| sof p emēdaçõe duar ^o albar ^o & loçõe earūd & p factura curtine pendētē añ nouā tabula ^o | iiij d. |
| sof p tinxione p̃dce curtine pendentē añ tabula ^o sup sūmū altar ^o | xiiij d. |
| Receper ^o de custodibz lūnis s̃te marie de grace vnū fract ^o deñriū et di ^o | j d. ob. |
| Reç de thoma Ratfurth in malo argento | xx d. |
| Reç de dño Johne bell Rector ^o partē ausalis ecclie de leūton ad tabulā alabastrī emēd ^o | liij s iiij d. |
| Reç de dño Edmōdo pyckeryng de leeke hyrns dū vixit ad tabulam p̃dcar ^o emēd ^o | xx d. |

1524.

Recevyd of alyce the wyff of John pyckyll for the legacye of Thomas hardye hyr son to y^e chyrche warke & to y^e auters of oy^o sayntē y^r iiij s x d.
 Recevyd of y^e sad alyce pyckyll for a cheste* yt he was buried in xx d.

* A bier was one of the articles of church furniture that the parishioners of each parish were bound to find. The coffin or receptacle for the body was usually detached from the bier itself. It would seem that, contrary to the usual custom, Thomas Hardye was buried in a coffin, and that his friends used for this purpose the one belonging to the parish bier. The reason for this is not obvious. Perhaps he had fallen a victim to some accident, or he may have died of some highly infectious disorder.

| | |
|--|-----------|
| of thomas walkar for fyr woode | x d. |
| of John harrisson & wyllyā hudson for ynground | vij d. |
| of John hopkynson for y ^e bequeth of wyllyā hopkynson hys ffader to the belle | xij d. |
| to the smyth for yerns & stabulle to hold y ^e shafte of y ^e crosses | iiij d. |
| to wyllyā Josson carpentar for helpyng of y ^e bellfray agayns halomese | v d. |
| for a ston of chese | vj d. |
| for v gallons of gud ayle & beryng of y ^e sayme fro leek to leuton | xj d. |
| payd for the dirige to S ^r John Bell pson | iiij d. |
| to S ^r Rec ^d schepperd pson | iiij d. |
| to the mast ^r of the chantre | iiij d. |
| to S John ffendyke deacone y ^e pysche clarke | vj d. |
| to iiij chylde that Redd lessons | iiij d. |
| to sex oyer smale chylde | ij d. |
| to the offering | iiij d. |
| to y ^e ij pore women in the chyrch hows | j d. |
| to the Smyth for ij Sacrye bell clapersse | ij d. |
| for iiij quarters of blake tuyke to hyng betwyx the tabull of y ^e hye au ⁿ and y ^e sacrament at sacrye tyme & a lyne to y ^e same | ix d. ob. |
| for scouryng of a tabull of alybastre at saynt thōas awl ^r | iiij d. |
| for lyme to dresse the glasse wyndows wyth | j d. |
| for cosyng & bying of ij payr of newe ffyolle | xiiij d. |
| for gyrdyll ^r to albyse at messe | ij d. |
| in expens for Rydyng to tateshall chayse & to Kykested to se wood for the chyrche | v d. |
| for wyne to syng wyth | xvj d. |
| for a lock to the cheste behynd the chyrche dor | vj d. |
| for ij dore bande to y ^e chyrch house callyd clarke house | iiij d. |
| for mending of a slevyd surplyce and for a kaye to a hyng loke | vj d. |
| for mending of the best chalyse that was brokyn y ^e xv daye of Marche anno r. r. h. viij q ^u to decio | xx d. |
| for thacke & caryage of y ^e sayme to John paynson | xxij d. |
| to John Saule thacker & wyllyā ^r salter hys man for thackyng & mēdyng of the west end of y ^e chyrche a day & a halfe | xv d. |
| for Sewyng Roope to y ^e sayd warke | j d. |
| for y ^t at was lad out at wrangle | xx d. |
| payd mays ^r pson bell & S ^r John Scott y ^e viij day of Junii for praying in the bede Roll for y ^e Saull ^r of thomas grafte & ag ^d John & wyllm filior ^r | xij d. |
| to a man for wallyng of y ^e chyrch howse a daye | iiij d. |
| for Reed wyne to Syng wyth agaynse saynt elyne daye | j d. |

1526.

| | |
|--|----------------|
| Recevyd ffor chese* that was gaderyd in the town for y ^e alybaster man . . . | viiij d. |
| in mony yt was gaderyd in y ^e towne at y ^e same tyme of them yt gaffe no chesse . . . | xiiij d. |
| Rec ^d of Ric. Sylame for the legacy of elyne watkynson hys wyff ^e moder . . . | xij d. |
| of Thomas Sledman of benyngton for dett of Robert warner to y ^e plough lyght † . . . | xx d. |
| of Jenet ffrankysch for the legacye of wyllm ffrankyshe hyr husband to y ^e biyng of ymage of alybaster to be set in y ^e for syde of y ^e roode loffte . . . | xlvijs viij d. |
| to nycholas y ^e smyth for wyndyng of yryn to y ^e secnd bell whele . . . | ij d. |
| to thomas walkar for fellyng & hewyng of y ^e brygg in pyepe gren . . . | iiij d. |
| to Isabell ffendyke for markyng of all y ^e lyn clothis yt long to y ^e awl ^d of saynt thomas w ^t such a marke of blake sylke & to our lad ^e awter wyth an ∞ . . . | iiij d. |
| for drawyng of y ^e tymber on y ^e havyn yt was bought of laurens bellman . . . | v d. |
| to wylliam worme y ^e mylner at wormgayt end [†] for makyng of hys wall . . . | iiij d. |
| for a stryng to y ^e chrysmatorye extreme vn ⁿ conis . . . | ob. |
| to Robert brook y ^t maid y ^e tabull of alybas ^t for y ^e vaute yt stand ^e of yt . . . | vjs viij d. |
| to y ^e said Robert in erneste for y ^e xvij ymage of alybas ^t of y ^e Rood lofte . . . | xij d. |
| to y ^e said Robert brooke in a full payment for xvj of y ^e ymage of alybas ^t that stand in y ^e for syede of y ^e rood lofte yt wylliam ffrankysch caussyd to be bought . . . | xlvijs viij d. |
| to y ^e said Robert for on oy ^d od ymage to be sett in y ^e same place yt ew ^y stage myght be fyld . . . | iijs iiij d. |
| to wylliam Josson whan he cam to breeke y ^e tymber & lost hys dais warke . . . | ij d. |
| to maister holand § of Swynsted & y ^e plaers of the same town whan thei rood & cryed thar bayne at leuton . . . | iijs iiij d. |

* Perhaps for cement: poor cheese with lime is still used for cementing stonework.

† The plough light was probably a taper supported by a parochial gild. There was a gild called "pluygh gilde" at Kirton in Lindsey in 1498.—*Test. Gul. Blyton*: and many other churches. See Blomfield, *Norf.* iv. 287, folio ed. The following entry was to be found in a churchwarden's account of Holbeach, in this county:—"It^d to Wm. Davy, the sygne whereon the plowghe did stond."—*Marrat's Hist. Linc.* ii. 104.

‡ Wormgate is a street in the borough of Boston. The mill hill in Wormgate was ordered to be removed in 1705. Thompson's *Hist. Boston*, p. 212.

§ The Hollands of Swinestead were a very ancient family, who professed to trace their line from a Sir Stephen Holland, Knight, Lord of Stevington, in the time of Edward the Confessor. I believe the pedigree cannot be authenticated by record evidence beyond Sir Ralph Holland, who flourished in the reign of Edward I. This master Holland may have been Thomas Holland of Swinestead, who married—1st. Jane, da. of William Harvy of Euendon; 2nd. Jane, da. of Henry Smyth, of Walpole, co. Norfolk; and had issue by both his spouses. I think it is more probable, however, that the person mentioned in the text was the father of the above, namely, Sir Thomas Holland, Kt., who married a daughter of . . . Sutton, of Burton. There is an elaborate pedigree of this family in the *Heralds' Visitation* of 1562.—*MS. Queen's Coll. Oxf. F. 22*, fol. 17.

|| Ang.-Sax. *Bannan*, to proclaim. The players gave notice, it would seem, by proclamation of the

| | |
|--|---------------|
| for breed & ayle at the same tyme to cause them & y ^e company to drynke | . viij d. ob. |
| for C of iij penny naylle & for lattyn wyer for ye ymage of alybaster | . j d. |

Hec sunt vba vlti^e volūtate wiffmi franckysh nup de leūton fact^e ibm xmo die mercii año dñi m ccccc^{mo} vicesi^o quarto. In dei nōie amen &c. I bequeth to y^e light of owr lady of flowr⁹ jti of wax to be paid be myn executors eūy 3er ons y^e space of x 3er^e. Also I wyll y^t iij rode of erable land liyng att whittlame cotte betwix y^e land of y^e her⁹ of John hardy of lyije of y^e north & y^e land of m. Jeffrey paynell of the South & abbutte of y^e land^e of m. John thamworth of y^e Est & of y^e Coñon way of y^e west be lattyn by y^e chirch maisters of leūton for y^e tyme beyng to y^e best valore for to kepe my 3er day in y^e chirch of leūton for my Saul my wyff Saull & all cristyn saulle w^t the mony y^r for resavyd and y^e ij psons or ther deput^e shal hane ēy of ye⁹ iij d. for dirige & messe, y^e offering ij d. y^e clarke for rynghyng ij d. y^e resydew of y^e mony to be waryd of bred & cheese and drynk; and I wyll that y^e sayd obbyt be kepte the xxiiij day of october.

1527.

| | |
|---|----------------|
| Rec. for y ^e legacy of . . . thomas Rattforth to y ^e anowrment ^e of y ^e chirch | . x d. |
| Paid to wiffm Josson & his men, carpenter ^e , of saynt agathe day for brekyng of y ^e tymber for the chirche | . vj s viij d. |
| on crosse mūday for the masyn dyn ⁹ | . ij d. |
| for mendyng of y ^e buttys of y ^e chirche wall ^e on weke, to looke y ^e mason | . ij s iij d. |

1528.

| | |
|--|---------------|
| Recevyd of thomas thoſton for old brokyn thacke y ^t was lefte in y ^e lodge | . xij d. |
| of Ric ^d fleschborn of leeke for enge ground * | . vj d. |
| for woode and thacke of old lodge yt fell down in y ^e chirche yarde | . iij s ij d. |
| to henrye estgaite for makyng erthe halffe a day | . ij d. |
| to thomas thornton for the next daye felowyng for vergyng of ye thake with erth & mendyng of the gutters be y ^e butterys | . iij d. |
| to John whitle plūbar for mendyng and sauteryng of y ^e leed ^e of y ^e steple & for saud ⁹ yng & ravyng of y ^e gutters ij dais & a halffe | . xx d. |

times and places where they were going to perform. The churchwardens' accounts of the town of Louth in this county contain a very similar entry: "The Players of Grimsby, when they spake thair bayn or thaire play, vj s viij d."

* *i.e.* Ings-ground. "*Ing*, vox agro Line. usitatissima, significat autem Pascuum Publicum seu Agrum compascuum." Skinner, *Etymolog. Linguae Anglicanae*. Probably half the parishes in Lincolnshire and the East Riding of Yorkshire have lands in them called the Ings. The word is generally found to indicate marshy pasture land. It probably indicates the lands held in common by the members of the tribes who founded our villages. Cf. Richardson's *Dict.* and Bosworth's *A.S. Dict.* sub voc.

| | |
|---|---------------|
| for sevyn pownd of Sawder | ij s. iiij d. |
| for a ston of webe leede | vj d. |
| to Edward brygge the vestement makar & his son ij dais | xij d. |
| for a skayne of rede silke & on oy ^o of blake silke | iiij d. ob. |
| for claspynge of two bookes | iiij d. |
| for a quarter of blake threde | iiij d. |
| for a yard of green Sattyn of Sypryse | viiij d. |
| for a littill hing loke & a kay for y ^e steple door | ij d. |
| to a masyn prentys for wallyng of y ^e wyndow be hynd sanc ^t tho ^m s aut ^t | iiij d. |
| for makynge of a rochet of the old slevyd surpys | iiij d. |
| for a bolt of yryn & ij haspis & ij forlocke for y ^e sec nd bell | ij d. |
| for a wine bottell* | ij d. |
| for a tryangle ^t to set on xxiiij candyll ^e of tenebre nyght ^e & for yerns [†] y ^o to | xvj d. |
| for keypyng of the light of y ^e rode lofte whiche is kepte wt y ^e rent of grafte crofte for the Saull ^e of thomas grafte and ag ^t , John & willi ^o y ^e sons | |

Orate p aia Johis bell quondam Rectoris ptis aust^{lis} ecclesie de leuerton qui viues et mⁿⁱ egritudine languens dedit et delib^o aut fabrica eccl^{ie} p^o d^o vj li. xiijs. iiij d. & obiit ixmo die marcii scilicet die marcurii anno dñi Mlmo ccccc mo vicesimo q^uito. Necnon et instituit suū anniū sariū p tresdecim annos p^x sequet obsuari p Ric^o marchyall de boston pistore & thomā westland de leūton suos executores. Quodquidē anniū sariū p^omo anno p^x sequet post ei^s decessū p dē m Ricū marchiall obsuatū est ex pp^a suasionē & volūtatē dēi Ricⁱ qui quidem an^o p nullo dictor^o tresdecim annorū cōputabi^l sed deinceps obsuadū & pseuerand^o est p spaciū dict^o xiiij annor^o p^x sequet. In festo sancti valentini ut infā oct^o ei^odem p thoma westland inde aⁿuatim expendendo quīq^o solidos argenti. Qui q^udē obiit incep^t est p dictū thom^o in festo s^cti valentini martir^o die v^o ven^ois anno dñi 1527 anno bisextili. §

| | |
|--|-------|
| Paid to willyam toolin for plowing of y ^e aer land yt John fyscher hade | vj d. |
| for tuckyng gurdyll ^e to wer at messe | ij d. |

* The bottles in which wine and other liquors were kept in these times were usually of leather. We have evidence that this was so, for an entry occurs shortly of a payment of 1d. for "sesening of y^e wine bottell."

† The *hercia ad tenebras*, or *hertium quadragesimale*, was a triangular candlestick containing twenty-four lights. It was used during the service of Tenebræ, or mattins and lauds, for the three latter days in holy week. The inhabitants of every parish were obliged to provide one of these candlesticks or hearses. — *Synodus Exon. a Petro Quivil*, A.D. 1287, cap. xii. in *Wilkins's Concil.* ii. 139. *Rock, Church of our Fathers*, iii. pt. 2, p. 233.

‡ Irons.

§ It will be remembered that, by the old computation, the new year began on Lady-day, consequently the feast of Saint Valentine (February 14) of 1528 was counted to the old year.

| | |
|---|--------------|
| for sesenyng of y ^e wyne bottell | j d. |
| for mendyng of sponse* & for hornes to the same | v d. |
| for a thong of lether hungry to the sanct bell stryng | ij d. |
| to Nycholase the smyth for yryn thymbullē and vtevailes to y ^e chirche yaitē | x d. |
| to John foel of leeke for culyerrent & poundag | iiij d. |
| for a littill sanct antony bell | j d. |
| for mendy'g of iij albes and iij amyses and waschyng of y ^e said | viiij d. |
| to John Raynthorpe of flookhenhū for xxx lode of ston | xxij s vj d. |
| for Razyng of y ^e sad stoon to John Skynn ^o for on daie | v d. |
| for sharppyng of a chessell | ob. |
| for fyshe yt was gywyn to y ^e seller of the stoon | iiij d. |

1531.

| | |
|--|-------------------|
| paid for haloyng of a vestmēt be y ^e handē of y ^e mast ^r of y ^e chauntre | iiij d. |
| to John Watkynson for ij fyollē | vj d. |
| to y ^e comysarye for a cytacon | ij s j d. |
| in exp ⁿ for Rydyng to lincoln | iiij s iiij d. |
| to y ^e booke bynder for byndyng of y ^e bookes | xiiij s vj d. ob. |
| to y ^e glover for a calff skyn | xiiij d. |
| ij shepe skynes | x d. |
| to S John ffendyke for iiij skynnes of pchment | xvj d. |
| to S thomas paynson for boredyng of anthony pygg y ^e bokebynd ^o | iiij d. |
| in exp ⁿ at edmd marshall house in leuton whan we had comūnicacōn for helpyng of ōr chirche | iiij s vj d. |
| for a lōke and a kaye to y ^e ambre dore in y ^e vestyarye | iiij d. |
| for makyng of lynnes to lentyn curtayns | iiij d. |

Memorandū the xxij day of mounthe of october yn the xxij 3ere of Kyng hari the viij I S. Ryc. Sheppd pson of north pt of leuton comāndyng al my physconars to cū a for me for dy^o uys varyan^o and causys depend^o a monke them forst for the cowntte of the chyrche wardyns wyllym lym and Jhon kepkykson all for to makyng of newe chyrche wardyns and at ther ynstans I namyd thomas westland and wyllm wastlar. Also for reformacon of last wyll of walē bowsche latt of leuton wyllyd yn ys last will iij acr^o land to be sold to by a cope w^t and the physconars at that tyme dyde sell forsayd iij acr^o land and mayd ther bellē there w^t wytche was a gans good conshans bre^o yng the last wyll of the forsayd walē were for yn a mens makyng all the physchars now beyng psent a for me the

[A leaf of the MS. is wanting here.]

* The sponse was a lamp, or a vessel for containing one. The horns were the projecting portions to which chains were attached for suspending it.

| | | | | | |
|--|---|---|---|---|------------------|
| Of Thomas burton for dett of y ^e plowlyght | . | . | . | . | xx d. |
| Of John pecult for dett of sant helen gild | . | . | . | . | xiiij s iiij d. |
| Of Robert Symson of hys devo ^o o ⁿ | . | . | . | . | iiij s iiij d. |
| Of Sant Thon ⁱ lyght | . | . | . | . | xviij s x d. ob. |

| | | | | | |
|--|---|---|---|---|--------------|
| Payd for tymner at folkyngham park | . | . | . | . | xl s. |
| to ij mē iiij days carryeng y ^e same wod | . | . | . | . | ij s iiij d. |
| for iiij quare of paper | . | . | . | . | iiij d. |
| to S John fendyke sen ^o for bryngyng a sytation | . | . | . | . | xvj d. |
| for ale when y ^e forst stone was layde | . | . | . | . | j d. |
| for mending y ^e carow | . | . | . | . | j d. |
| for nate ^e | . | . | . | . | j d. |
| to John lownd for rydyng to frampton† for Josson saw | . | . | . | . | ij d. |

1533.

| | | | | | |
|---|---|---|---|---|---------|
| to y ^e dygrava for thar makyng of y ^e se dyke boke† | . | . | . | . | vj d. |
| for wessyng of ij hawbys § | . | . | . | . | iiij d. |
| to Ric smyth for slot ^e & on cotteryll | . | . | . | . | v d. |

1535.

| | | | | | |
|--|---|---|---|---|--------------|
| Rec of Ric ^o ffendyke y ^e elder for viij stoones | . | . | . | . | ij s iiij d. |
| to karver of boston whan he cam to se y ^e fonte | . | . | . | . | iiij d. |
| to y ^e same for makyng a covering to the fonte | . | . | . | . | v s. |
| for a bowet ¶ to ber light in a for the Sacrament (sic) | . | . | . | . | xij d. |

* Mats. "One knat" occurs in the Inventory of Sir William Reade of Fenham, A.D. 1604, printed by the late Rev. James Raine, D.C.L. in his *Hist. of North Durham*, 117. That learned antiquary says it is "a mattress of plaited straw." The Leverton "nates" were probably mats to sit upon. We have seen that the floor of the church was not matted, but strewn with reeds.

† Frampton is a village three miles south of Boston.

‡ This was probably a register of the portions or lots of the sea-bank that each inhabitant of the parish was bound to keep in good repair.

§ Albs.

|| Slots are long narrow pieces of wood or iron, such as are used for bolts, A.S. *Slitan*. [1538] "For making of banddes, *slottes*, barres, and staples to the new church and the offices 14s. 10d." Raine, *Fabric Rolls of York Minster*, (*Surtees Soc.*) p. 109. Cf. Admiral W. H. Smyth's *Sailors' Word Book*, 633. Cotterells are iron rings placed beneath the nuts of bolts to make them fit tight. The leather roundels at the top and bottom of a mop which are used to keep the wool together go by this name. It also occasionally means an iron or wooden wedge or pin used to secure a bolt. Cf. Best's *Rural Economy in Yorkshire* in 1641, (*Surtees Soc.*) p. 15. Brogden's *Provincial Words in Linc.* p. 47.

¶ A lanthorn.—*Halliwel*.

| | |
|---|----------------------|
| for on Rachet supple ^s * for y ^e pyche pste to wer | ij s ij d. |
| to Stephan y ^e smyth of benyngton for forlock to y ^e belle | iiij d. |
| Resavyd of george brown for cheppys | vj d. |
| Resavyd att the drynkyng for the church telled by mas ^r thamworth (sic.) | iiij li vj s viij d. |
| Recevyd at the same tyme that was sent to hus beyond boston and of oder gud men | xj s v d. |
| Payd to daue the wryght for boroyng of y ^e schafte† for to shott the led w ^t all | iiij d. |
| to Thomas wyberd for bryngyng of sand from the prechyng crosse | iiij d. |
| for Rydyng to boston wh the inquest for seying of Antyn ⁹ gott‡ for wyne | iiij d. |
| Thomas westeland and wythm lynne and John hopkenson payd to y ^e wryht for seying antyn gott for his labor | iiij d. |
| payd to Thomas wyberd for fecheng of sand from the depe syd | vj d. |
| to John mollett for stabulls and hespe | vj d. |
| for a byll for makyng of a subside | j d. |
| to John lyghtfoott for on stak | xij d. |
| to Wythm Nott and symond webster for makyng clene of the churche | viij d. |
| payd for hentering of a plante to the stuard and to the balye for screenyng of hudson | ij d. |

1537.

| | |
|--|----------|
| Payd for iiij li. of wax to the sepulckayr and for makyng of the same wax | |
| for fyve hūderethe tackytte | v d. |
| for lattys§ to the belle | j d. |
| for berryng holm of the polles and the schyve | j d. |
| for the coman boll wan he was in the hall garthe | xiiij d. |
| to william wyton for stoppyng of the bell loft w ^t erthe | iiij d. |
| to thomas carter for helpyng of the keyste¶ in the churche for to bere folk in | ij d. |
| for a warraynd for haueyng vppe of the pressener and for mett and drynke | vj d. |

1538.

| | |
|---|---------|
| Payd to on sawer for sawyng of ou ⁹ clogge | x d. |
| for mendyng of the bassyng | iiij d. |
| for ij lasses of sylke | iiij d. |

* Rochet-surplice. The Rochet is a sleeveless surplice. "Rochetum differt a superpellicio quia superpellicium habet manicas pendulas, sed rochetum est sine manicis." Lyndwood, *Provinciale*, 252, n. as quoted in Rock's *Church of our Fathers*, ii. 17.

† The spouts used to conduct the molten lead into the mould prepared for it.

‡ See note to "auven gott," *infra*, sub anno 1549.

§ Laths. Still called *latts* in Lincolnshire.

|| A sheave or pulley. The poles and pulley had probably been borrowed of some one for the purpose of raising timber.

¶ The parish coffins, *vide ante*.

1540.

| | |
|--|---------|
| Payd for makyng a surples for y ^e clarke | iiij d. |
| to Robert quinnell for brengyng hom of y ^e shep | j d. |

Anno dñi Regni Re^g henrici octavi tricesimo iij ther was on sewtte of vestmeⁿt of
(sic)

Red purpull velvet gyffne be S John wright the pson the son of wiffam wryght & Elizabet for the whych 3^e sall specially pray ffor the sawlle of willia^m wryght and Elizabet hys wyffe and for the sawll of ser willia^m wright y^e son and for the sawll of Ser John wright sñie tyme psone of ys plasse and for the saulle off Rycherd wryght & Isabell hys wyffe, John trowtyng & hellen hys wyffe, and all y^e bñfact^r; as well theⁿ that be off lyve as be deyd to the mercy off god for qwhos lyves and saulle es gevyne heyr to the honor off god, hys most blessyde mother o^r ladye saynt mare and all hys saynt^e beyng in hevyne & the blessyde matrone saynt helyne heyr patrone and heyr to be ewsyd att suche pryneypall ffeste & tyme as yt sall plesse y^e curatte as long as yt sall last et c ffor all ys sawlle and all Crysten sawlle y^e sall say on pa^r nos^r.

1541.

| | |
|---|-------------|
| recevyd off the executors off Rycharde fendyke the elther for hys beryall in the qwere off o ^r ladye | viiij s. |
| Recevyd for the repacon off y ^e canabe and to y ^e hy auter | xij d. |
| Recevyd off thomas lyme for wolfe | vj d. |
| payd to Mas ^r Eyrly for his concell for y ^e gylde hows | xx d. |
| to willam wyttton for wessyng and cleppyng iij schepe | j d. |
| for fyve yerds off hayre clothe to the auters | xxij d. ob. |
| to John wyllamson for the gylde hawlle | iiij d. |
| for on lock ij band ^e and ij howk ^e for the chrysmatorye | viiij d. |
| for nalyis to the candell locker | ob. |
| to mas ^r eyerly for makyng evydens to hym and to his clarke | xx d. |
| to wyllam grysteroftte for makyng of the chryssmatorye dore | xiiij d. |

1542.

| | |
|--|--------------|
| Payd to Thomas gregby for hys reward whan John wrygt browth hus the funt | xij d. |
| Payd for iij yerde off canuys for byndyng of y ^e chest | xij d. |
| for tachytt ^e and rossell | j d. |
| for iij pond of soppe | vj d. |
| spent of wyllm grescroft wan he come to se the kest for the seute of vestmen ^e | iiij d. |
| to on plumer for helpyng of the churche and for skoryng of y ^e grett candyllstyx and for skowryng of y ^e matore and y ^e two lettell candyll styx and y ^e sensur ^e | iijs iiij d. |

(sic)

| | |
|---|---------|
| for cord to the wale* and to y ^e rod | iiij d. |
| for wyllm grescroft wan he set y ^e forfet at leges in drenke | j d. |
| for on syttacyon to y ^e comeceere and for renewnyng yt | xv d. |
| ta mast ^d sanforth for pletyng † | xij d. |

1544.

| | |
|---|--------|
| payd for sylk for mekyng off on pursse for to bere the sakarmēt in to seke forlke ‡ | vij d. |
| payd Alson fendyk for makyng off the same pursse | vij d. |
| payd in offeryng of sallues Daye § for all Chrysten soulle | j d. |

1545.

| | |
|---|---------|
| Payd to essabell fendyk for helpyng off the svtte yt S John wryght gayffe vsse | iiij d. |
| for helpyng off the stylyt ¶ to y ^e bell | j d. |
| to S John scott for two bookes for to goye pressescyon w ^h all at y ^e kyng ^e Comandmēt ¶ | vij d. |
| for ij stabulle ij plates and for mēdyng of the eye off the throwchott | iiij d. |

1546.

| | |
|--|----------|
| for y ^e kyng ^e booke** | xiiij d. |
| for y ^e kyng ^e Iniūction ^e †† | ij d. |

* Veil.

† Pleading.

‡ The purse which contained the holy eucharist enfolded in the corporale. These cases were frequently called corporaxes, from that which they contained. They were often highly ornamented. When the ornaments and other articles of devotion were destroyed after the accession of Elizabeth these things were sometimes turned to strange uses. Thus at Branceton in this county, in the year 1566, a certain Robert Bellamee bought two of these articles of the churchwardens, "whereof his wief made of one a stomacher for her wench, and of the other, being rept, she will make a purse."—*Mon. Sup.* fol. 178, printed in the Editor's *English Church Furniture*, p. 56.

§ All Souls Day, November 2nd.

¶ Handle.

¶ The litany published by royal authority in 1544, under the title of "*An exhortation vnto prayer, thoughte mete by the kinges majestie and his clergy to be read to the people in every church afore processyons. Also a Letanye with sufferages to be said or song in the tyme of the said processyons.*—Imprinted at London, in Flete-streete, by Thomas Berthelet, printer to the kinges highnes, the xxvij. day of May, in the yere of our Lorde M.D.XLIIII." There is a copy of this very rare book in the Public Library at Cambridge. Archbishop Cranmer's mandate for keeping processions in English is dated 11th Aug. 1545. It is printed in the Parker Soc. Edit. of his *Miscellaneous Writings*, p. 495.

** The primer of King Henry VIII. published in 1545. In this book the above-mentioned Litany was reprinted. It has continued with slight alterations in the service books of the Church of England to the present day.

†† King Edward the Sixth's Injunctions.—See Wilkin's *Conc.* iv. p. 3. Sparrow, *Coll.* p. 1. Cranm. *Misc. Writings*, p. 498. Fox's *Acts and Mon.* edit. 1858, v. 5, p. 706, for the complete text. An analysis is given by Heylin, *Ecclesia Restaurata*, edit. 1849, p. 70.

| | |
|---|-------------|
| to Jakson of marn ^o for making y ^e bynke* in y ^e church porche & mendyng pyllers | |
| of y ^e north syde of y ^e church | x s viij d. |
| to y ^e paynt ^r for payntyng all clothe leternclothe & bann ^o clothe | vijs. |
| for a lether whonge to y ^e lyttle bell | iiij d. |

1549.

| | |
|---|---------------|
| Resauyd of Symond melsabe of boston for ij candelstek ^e of latyn | xiijs viij d. |
| of Essabell fendyke for on banar schaft | j d. |
| of thomas lyme for on candylsteke | vij d. |
| of John Watson [and] Wyllm Woton for Images | xij d. |
| of thomas lyme for owld clos† | iijs iiij d. |
| of John busche & wyllm Rosell for torches | iiij d. |
| of y ^e p ^{so} ns for wax‡ | iijs ix d. |
| of m ^r smyth for ij cros clos | xvj d. |
| of John south & wyllm wytton & Rosell wyeff for on cloth callyd y ^e vael & for | |
| ovld clog | iijs iiij d. |

| | |
|---|-------------|
| payd to John snyd y ^e carver for selyng on y ^e wendo | vs. |
| to y ^e panter for panttyng on y ^e Rod loft | xxs viij d. |
| for y ^e kyng ^e injoynsyon | iiij d. |
| for y ^e vardyt makyn before y ^e dene§ | iiij d. |
| to John watson for ij days takyn dow ^o Imege for met & wage | x d. |
| in expens at Rosell ^e of y ^e folke at war in y ^e cherch takyn dow ^o of y ^e imege | xvj d. |
| payd to watson & ys man takyn vp y ^e kerke stoke and removying yt to y ^e alter end | iiij d. |
| to leñd bawdre for mersemete | iijs vj d. |
| in expen ^e at Rossell ^e wahan whe mad our inuentore for y ^e kyng y ^e ferst daye | vj d. |

* Seats.

† The foregoing ornaments with others were sold in obedience to the injunctions before mentioned, which ordered that "all shrines, coverings of shrines, tables, candlesticks, trindles, or rolls of wax, pictures, paintings, and all other monuments of feigned miracles, pilgrimages, idolatry, and superstition should be destroyed."

‡ It would seem from many entries in these accounts that the churchwardens were in the habit of buying large quantities of wax for the service of the altars and the rood loft. When candles were no longer used in the worship of God this wax would be useless to them, they therefore sold their remaining stock to the rectors of the two Medieties.

§ John Taylour, S.T.P. succeeded George Henneage, LL.B. as Dean of Lincoln in 1544, and retained the office until promoted to be bishop of this diocese, 18th June, 1552. He was consecrated at Croydon on the 26th of the same month. Soon after the accession of Queen Mary I. he was deprived on account of his Protestantism, and John White, a Roman Catholic, appointed in his room.

|| Fines.

| | |
|---|----------------|
| in expenç at chistofer walkere y ^e first daye at boston & for hors at y ^e falkyn* | xxiiij d. |
| whe war sent home to y ^e same inventorie that whe spent at Rosell ^e y ^e | |
| secōd daye | iiij d. |
| to thomas busche for makyn sedyke at auven gott † | vij d. |
| for a boke callid y ^e parafases † | vs viij d. |
| to Mr. ffressine for wereng of his boke | vij d. |
| for a boke of fernes | iiij s iiij d. |
| to wyllm Rosell ^e for caryng y ^e candylstick ^e to boston | vj d. |
| to John Watson for makyn y ^e pulpett | vs |
| to John watson for a planke to y ^e pulpett bodom | xij d. |
| to John lyme for on cart Rope at was wold in pases § | vij d. |
| payd to y ^e vesetore ^e clarke for makyn of or invetorre for y ^e cherche land & oblyt | |
| land ^e | ij s. |
| to y ^e vesetore ^e | xij d. |
| payd walsraw at y ^e dore or whe went in | vij d. |
| whan whe mad our invetore for y ^e beschope | |
| to y ^e comesare | xij d. |
| spent at leeke whan mast ^e her ^e be whas her & fet our gere a wea | ij d. |

1552.

| | |
|---|--------------|
| Resavyd of wittm heml ⁿ for on seut of blake sue | vj s viij d. |
| of y ^e sayd wittm for on seut of gren selke | ix s viij d. |
| of John lyme for on pexe w't selū band ^e | vs viij d. |
| of S thomas hake ^e for on pantyd cloth | xij d. |
| of John mereld for y ^e coureng ou y ^e sak ^r ment | vij d. |
| of thōs lyme for y ^e amberes | vij s. |
| of S thōs & willm acle for iij corpparx | xij d. |
| of wittm hemlen for on altartabull | xij d. |
| of thōs lyme for on altartabull | iiij s. |
| whan whe cared our bouk ^e to boston spent at cart wright in drenk | iiij d. |
| to Richard best for our wardyth makyn for pore fok ^e | iiij d. |

* The Falcon Inn at Boston was situate in Bargate. Thompson, in his *History of Boston*, surmises that it was an important hostelry "prior to and during the sixteenth century." The earliest mention of it which he had succeeded in discovering is dated 1611. There is at the present time an inn called the Falcon, standing very near to the spot on which the old "falkyn" stood.

† The haven gowt. A gowt is a sink, vaulted passage for water, or the roadway over a water-course. Cf. Skinner, *Etymologicon*, sub. voc.

‡ The paraphrase of Erasmus on the Gospels was ordered by Edward the Sixth's *Injunctions* to be set up in some convenient place within each parish church.—Strype's *Cranmer*, ed. 1848, ii. p. 447.

§ Pulled in pieces. Inflection of *Hale* to Haul.

| | |
|---|----------------|
| for our wardyt makyn at the sessione of seuerē at kertton* | xij d. |
| to steper of stekena [†] for dresen [†] of y ^e new dren | xij d. |
| to Rechard best for y ^e ferst artekellē | viiij d. |
| to Rechard best for makyn of or wardyth to y ^e first artekellē for por foxs & wacabonē | iiij d. |
| to Rechard best for y ^e secōd artekellē | iiij d. |
| to Rechard best for makyn of or wardyth to y ^e Resedeu of y ^e artekellē | ij d. |
| to symond melsabe for ij saltarē | iiij s viij d. |
| for on spayd to witton | xvj d. |
| to m̄ brow [‡] clarke for our in stroxsyonē [‡] | iiij d. |
| to wiſm acle for on tabull | ij s. |
| to len [§] d bawdre for wod at bowtcher garth | iiij s iiij d. |
| for hallyng of y ^e wod forth of y ^e garth to ij men | ij s viij d. |
| to y ^e psonē for thyth wod § | xxij d. |
| payd to John parker for hegeng iiij days | xvj d. |
| to thōs cartar at y ^e gott wī hys ax | xvj d. |
| Resauyd for a hallawīr stoke & Tow candylstks of John lyme | iiij s iiij d. |

| | |
|---|-------------------|
| Payd to the cōmīssyoners for sartyn ornaments be longynge to the churche of leuerton | . xxxij s viij d. |
| to edmand melsake for the buke of comand sarvys | . xvij d. |
| to John lowende for woode for to make the newe clowersse ¶ | . viij d. |
| to ye offesares when the sawgg [§] s wentte to skottland of the challys mone** | . x s. |

1553.

| | |
|---|----------------------|
| Resayd . . . to j howernment to y ^e hy awtar | vj d. |
| Resauyd for on maser †† | xs viij d. |

1555.

| | |
|---|------------------------|
| Reseued of John smeyth for the be queste of pson smyth hys unkell | vj s viij d. |
| of John busche for torches | iiij d. |

* Kirton-in-Holland, a market town four miles south of Boston.

† To dress is a common Lincolnshire provincialism for to cleanse, as applied to a ditch or drain.

‡ Instructions.

§ Tythe wood.

|| The second prayer-book of King Edward VI.

¶ Cloughs, i. e. doors affixed at the mouth of a drain in order to prevent the inflowing of the tide.

** This entry has reference to the war with Scotland of 1547-1550. It is probably misplaced.

†† A mazer bowl. See *Promptorium Parvulorum*, ed. Albert Way, s. v. MASERE.

| | | |
|--|-----------|----------------|
| of mast ⁿ browen for the vestement ^e | | 1 s. |
| payd for iij boxses to the cresmatory | | iiij d. |
| for payntyng of the hye awtere cloyth | | xij d. |
| for a leyttell mawende for the holy breade * | | ij d. |
| for a cresmatore | | iiij s iiij d. |
| In expensys whan we Rayde ffyrst to Lyncolln for o ^r horsse & or selves whan we | | |
| sewyd for the vestementtes | | ij s. |
| for a sytassyon the same tyme | | xij d. |
| payd to a pykt ^e † theyre the saym tyme | | xij d. |
| for a pyxe for the sacramentt | | xx d. |
| for a stryng to the sacramentt | | j d. |
| for a vestemett to thomas lyme | | iiij s. |
| to Jaffray day for ij candellstyke | | iiij s vj d. |
| for iiij yard ^e of lynyng clothe for iiij yard ^e of camwysse ‡ for the hye awyl ^e | | iiij s viij d. |
| for a C torffe§ to the plomars | | iiij d. |
| In expensys whan we Rayde to mast ⁿ oggell to pynchebeke & from thense to | | |
| Spalldyng | | xij d. |

* A basket for the Holy-bread or Eulogia. "1546. For a mand ffor hallybred, ij d."—*Churchwardens' Accounts, Kirton-in-Lindsey, in Proceedings of Soc. Ant. 2d. s. ii. p. 386.*

† A picture.

‡ Camis, camies, camus. LAT. Camisa, camisia, from Cama, a bed. See Du Fresne, *Gloss. sub voc.* Camis seems in the first place to have meant thin linen, such as night-clothes were made of. It afterwards came to signify any thin light texture, whether of linen or silk; e.g. Spenser says that Radigund was dressed

"All in a Camis light of purple silke

Woven uppon with silver, subtly wrought,

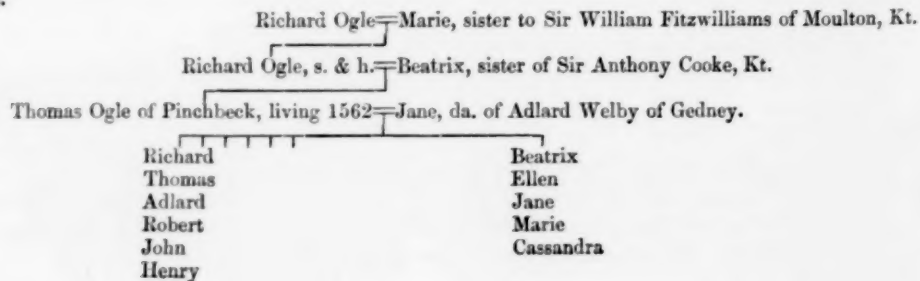
And quilted uppon sattin white as milke."

Faerie Queene, B. v. c. v. s. ii.

Camis seems sometimes to represent the Latin Camoca or Camucum, "Panni sacrici vel pretiosioris species." Du Fresne.

§ A hundred turves for the plumbers to make a fire with to melt their lead.

|| Thomas Ogle of Pinchbeck represented a younger branch of the great northern family of Ogle, ennobled in the year 1461 in the person of Robert Ogle Dominus Ogle Chl'r. The following table, abridged from the Lincolnshire Heralds' visitation of 1562, shows the ancestry of the "mast' oggell" mentioned above.



| | |
|---|------------|
| to Wylliam ackle for makyng of the canabey & for a keycheyffe to the same | ij s. |
| to John lyme for the holy Wayt ^l flatt | ij s. |
| for maykkyng of the sepulkkure howysse * | iiij d. |
| for paynttyng of a clothe for the saym | ij s. |
| to John lyme for a pyxe | vs viij d. |
| for smalle candelle to sett on the seyrge† | iiij d. |
| for feychyng of the sepulkcure clothe frome the paynt ^l att boston | ij d. |
| to mast ^l busche for byng of boukes | viiij s. |
| to the karyare for bryngyng of the bowykks frome london to boston | vij d. |
| to Edmonde Cart ^l for feychyng of the cryssmatorey att benyngton | j d. |

1556.

| | |
|---|----------------|
| paid by the hands of Thoms Greyne for threy yard ^e canves for a clothe to paynt thereon the roid wh ^l marye & John† | xx d. |
| to John knyght for payntyng the sayme | iiij s iiij d. |
| for the oblation on psalmes day | j d. |
| pd be the handes of John lyme to master Ellys suand of lyncolne for makyng threy byllyment ^e for the crysmatarye | xij d. |
| for a bere chyste for corposses beyng dede to be brought to the church in | iiij s x d. |
| for a lanterne | x d. |
| for towe halff yere portesses§ a proseshyoner and a manuell | vj s viij d. |

1557.

| | |
|--|-----|
| R of John Bushe and adlard Greyne for the sopper lyght | xs. |
|--|-----|

* "The sepulchure howysse" was probably the Easter Sepulchre. The old one had doubtless been made away with in the preceding reign. The Easter Sepulchres in small churches were commonly, but not always, of wood. Thus we find when the old church ornaments were destroyed under Queen Elizabeth, that at Denton in this county a sepulchre was "sold to Johnne Orson and he haith made a presse therof to laie clothes in." Peacock's *Church Furniture*, p. 66.

† Serges are large tapers.—See Raine, *Fabric Rolls of York Minster*, p. 352. The word is here used for candlesticks. Possibly then, as now in some Roman Catholic churches, the candlesticks were made to represent very large tapers.

‡ The rood was almost always a carved effigy not a painting. As, however, all the roods had been ordered to be defaced in the reign of Edward VI. when his sister Mary came to the Throne it would seem that there was a greater demand for these objects than the sculptors could supply, or that from motives of economy paintings on wood or canvas were used instead of statues. We find that in the year 1566 the little church of Awkborough "the rode, Marye and John were painted of a borde."—*Church Furniture*, p. 35. In the case of Leverton, this pictured rood was but a temporary expedient. We find that in 1557 a rood of the proper kind was ordered at Lincoln.

§ Portiforium. *Anglice*: Portuis was the common name used in this country for a breviary. The English breviaries were divided into two parts only, Hiemalis and Æstivalis.—Maskell, *Mon. Rit.* ii. p. xxii.

| | |
|--|---------|
| pd for a bushyll lyne toward the altares makyng | iiij d. |
| for a frundle* lyne | ij d. |
| pd in gayng to lyncoln for to conenaunde the makyng of the Royd marye & John in expens | iiij d. |
| for a lytle roid to John Knyght to set vpon the crosse for pcesyon | xx d. |
| for bryngyng the saide roide marye & John from lyncolne x d. & for bryngyng from hoston | iiij d. |
| for charge in answeryng to a cytacyon for because the saide roide marye & John were not set vp in expēs | iiij s. |
| for layng vp the altar stones & for washyng the clothes agenst Eastar | xvj d. |

1558.

| | |
|--|----------|
| R vpon plugh mūday for the suppers light | ijs v d. |
| pd for lether hungrye for the sanct bell | vj d. |
| to Jodge of leke for makyng a clap to y ^e sacrye bell | ob. |
| to John watson for borrowyng of an yron cawe | j d. |
| for a booke callyd the artycles conf ^d certyne inquer ^e tochyng the pson & paryshiones† | ij d. |
| for makyng ower verdet in wrytyng at my lorde of lyncoln ‡ vysytatyon | ij d. |

1559.

| | |
|--|-------------|
| Remed of willyam Wastlare§ Jun & John pullw ² tofte of the plowygh lyght mone | xvij d. |
| payd for the offeryng of sallmes day | j d. |
| for a havyke of pressysson in lunge§ | ij d. |
| to the anythe for dressyng ij themelle to the church yarde yaitte | j d. |
| for Woode att tatt ^e sall for the church porch | xij s ij d. |
| to the wryght for ij days to mette & waygge for taykyng dowyne the sayme woode | ijs iiij d. |
| for my nowyne chargge the sayd ij days for helpyng theyre | x d. |

* Frundle. Two pecks.—Bailey, *Diet*.

† Articles to be enquired in the ordinary Visitation of the Lord Cardinall Poles Grace Archebyshop of Canterbury wythin hys Dioces of Cantarbury. In the year of our Lorde God m.v.c.lvj.—Bohn's *Liturgical Manual*, i. p. 76.

‡ Thomas Watson, S.T.P. Dean of Durham, and Master of St. John's coll. Cambridge, promoted to the see of Lincoln by papal bull, dated ix. cal. April (24 March) 1556-7. He was deprived of his bishopric on 25th June 1559. He died a prisoner in the castle of Wisbech in September 1584, and was buried in the church of St. Peter in that town on the 27th. The parish register which records his interment erroneously calls him John Watson, D.D. Hardy's *Le Neve's Fasti Eccl. Anglie*, sub nom. Cooper's *Atth. Cant.* i. 491.

§ Quare. A book of procession in English.

Ressaude ffor sarteyn cloyse preparede for the sawygers that wentt to scottlande* xj s x d.
for brydellē and speres att the saym tyme. xij d.

1561.

pd for the booke of Comon prayor vj s viij d.
for the Quenes Māties Iniunctions † v d.
for removyng the Alters out of the church xiiij d.
for the table conteanyng the tenne comandementē & the newe callender. xix d. ob.

1562.

pd to Thomas Watson & Anthony for talkyng downe the Rode loofte ij s.
for wessyng the Comunion table clothe withe the Surplice agaynst Easter ij d.

1565.

pd for ij newe Salters x s.
given to a pore Scoller of Oxford that had a lysence in the way of Exhibicon ij s.
pd for the Iniunctions consynyg mariag at the bysshoppes visitaōn iiij d.
for the bookes of the order of prayor & fastyng in the tyme of plage ‡ xx d.
pd at the rec^d of the Inventory of cristenyng mariage & buryyng iiij d.
pd to the pit^r for the certificate of the number of the house holdes of ōr pishe
(*see*)
for the Second booke & tome of homelies iiij s viij d.
for the boke of tharticles of the faithe § ij d.
to the pit^r for the Cūficate of the readyng of the said articles iiij d.

1566.

rec^d for the old mettall that was of the crismatory ij candelstickē a bell & other pec^d
of mettall ij s ij d.

* The English Invasion of Scotland under Lord Grey.—Froude, vii. p. 212. Hume, chap. xxxviii.

† *Injunctions given by the Queen's Majesty, A.D. 1559. The fyrst yere of the reign of our sovereign Lady Quene Elizabeth.* London. 4to. Bohn's *Lowndes*.

‡ "A Fournie to be used in Common Prayer twice a weke, and also an Order of Publique Fast to be used every Wednesday during this time of mortalitie Lond. 1563." A copy of this very rare form is in the possession of the Rev. Thomas Lathbury.—*Notes and Queries*, 1st Ser. viii. p. 535. This dreadful pestilence originated among the English soldiers besieged in Havre by the French. The infected garrison surrendered on the 29th July 1563. On their return home they brought the plague to this country, and spread it at once through the length and breadth of England. In London alone upwards of 21,000 persons are said to have perished.—See Hunter's *Hallamshire*, p. 6; *Parker Soc. Epist. Tigurina*, i. p. 79; *Zurich Letters*, ii. p. 109; Carte, *Hist. Eng.* iii. p. 414; Hollinshed, *Chron.* 1587, iii. p. 1205; Kennet, *Hist. Eng.* 1706, ii. p. 393; Froude, *Hist. Eng.* vii. p. 518.

§ The Articles of 1562.

| | |
|---|----------------|
| of John Iym for ij alter stones for stoth ^e stones | ij s. |
| pd for half a seam lymet | xiiij d. |
| to Thomas Chapman & his men for dressing the place where the Rood loft stode & mending the church porch | iiij s iiij d. |
| for ij booke at the Bishoppes visitacon at Boston | xij d. |

1568.

| | |
|--|---------|
| pd to the p ^{er} for delyv ^{ing} us the booke of prayers agaynst the Turke & for the booke | xvj d. |
| to Thomas Watson for removing the stoles in the church where the dyvyne Service ys read & for mending the lettern ther | iiij s. |

1569.

| | |
|---|---------|
| pd for wrytyng of varyt at M ^r Archdeacons visitacon at Boston § | iiij d. |
|---|---------|

1570.

| | |
|--|---------|
| to Thomas Turpin the gold smyth for facyonenge of the Communion Cupp ^l weyng xij ounces | x s. |
| for he putt to the same Cupp a q ^{ter} & a half of an ounce of his owne sylv ^r | ij s. |
| for M ^r Becons Postell * | iiij s. |
| for the half of M ^r Jaylles boke called the appologie of England | iiij s. |
| for the cariage of the same boke | iiij d. |
| for the p ^{er} for M ^r Archdeacon's prayer | iiij d. |
| for the Quodles agaynst wilfull Rebelyon | x d. |

* A post or upright of a wall.—*Hallivell*.

† A seam of glass is 120 lb.; of corn, eight bushels; of wood, a horse-load; of land, a fourth part of an acre. A horse load of lime is perhaps the quantity here meant.

‡ A *Booke to be used in Common Prayer every Sunday, Wednesday, and Friday throughout the whole Realme: to create and stirre up all Godly People to pray for the preservation of those Christians and their countreys that are now invaded by the Turke in Hungary or elsewhere. Set furthe by The Reverend Father in God, Matthew, Archbishop of Cantuarie.* Imprinted by Richard Jugge and John Cawood." This form is not dated, but it is known to have been put forth in 1566. There is a copy in Rev. Thomas Lathbury's collection.—*Notes and Queries*, 1st Ser. viii. p. 536.

§ John Aylmer, A.M. Archdeacon of Stowe, installed Archdeacon of Lincoln 6th November 1562. Made Bishop of London 1577. *Strype's Life of Aylmer*; Hardy's *Le Neve's Fasti Eccl. Angl.* ii. 47. A pedigree of the family may be seen in Harl. MS. 1550, f. 135 b. The Bishop's third son John settled at Ruby, in the north of the county, and was living there in 1592.

This vessel yet exists, and is used for the Holy Communion. Upon the cover are engraved a lever and a run, a pun upon the name of the village.

• "A new Pastil, containing Sermons upon the Gospells by Thomas Becon." London, 1566. This book was reprinted the following year.

1572.

| | | | | | |
|--|---|---|---|---|-------|
| for carpett clothe to cover the comunyon table | . | . | . | . | . |
| to Robt hamond for whyppynge dogge* out of the churche | . | . | . | . | vj d. |

1574.

| | | | | | |
|--|---|---|---|---|-------|
| for a peece of woode for busshes for the bell strynges | . | . | . | . | ij d. |
| for wood for keppes stayes & latte | . | . | . | . | x d. |

1575.

| | | | | | |
|--|---|---|---|---|-------------|
| for y ^e Bysshope of Lincoln his booke † | . | . | . | . | ij s iij d. |
|--|---|---|---|---|-------------|

1576.

| | | | | | |
|--|---|---|---|---|------------|
| pd for an acreage for kirke Crofte | . | . | . | . | vj d. |
| for a stone & a half of hembre and fembre & for maiking the same in Bellstrynges | . | . | . | . | ij s xj d. |

1577.

| | | | | | |
|--|---|---|---|---|----------------|
| Rec ^d of the Plowe maysters | . | . | . | . | xxij s viij d. |
| pd to wyllm kay for mendyng the coffyn | . | . | . | . | xij d. |

1578.

| | | | | | |
|-----------------------------|---|---|---|---|-------|
| pd for mr Bullynger Booke ‡ | . | . | . | . | vj d. |
|-----------------------------|---|---|---|---|-------|

1579.

| | | | | | |
|---|---|---|---|---|----------|
| pd for our charge to lyncoln when we were p ^r esented by the apparytor vniustly for that our churche should by mys ^v sed | . | . | . | . | vs vj d. |
|---|---|---|---|---|----------|

* This entry is of constant occurrence in church accounts. It would seem that almost every church had a functionary for this purpose. From a note in the late Mr. Eastwood's *History of Ecclesfield*, p. 219, it appears that the "dog noper" still exists in that parish. There was, till about fifty years ago, a small pew in Northorpe Church, known as the Hall Dog Pew, in which the dogs who followed the residents at the Hall to church were confined during divine service.

† Thomas Cooper or Cowper, S.T.P. elected Bishop of Lincoln 4th February 1570—1. Translated to Winchester, 3rd March 1583-4. Died 29th April 1594. The book which the Leverton Churchwardens purchased was probably *A briefe Exposition of Such chapters of the Old Testament as usually are red in the Church*. 4to. London 1573. Wood's Ath. Oxon. *sub nom.* Bohn's Lowndes *sub nom.*

‡ *A hundred Sermons vpon the Apocalips*. 4to. London 1561. Second edit. 1573.

1583.

| | |
|--|---------|
| pd to the apparitor for the caryinge of y ^e Collocon for browne of Shrowsbury to Lincoln | iiij d. |
| pd to Field & Egeuse for drawynge the Quenes Mat ^e Armes & Scripturyng ^e c ^o ten plates in y ^e church & pulpett | xlvs. |

1585.

| | |
|---|----------|
| for bread and ale to y ^e ryngers on St hewe [*] day | xiiij d. |
|---|----------|

1586.

| | |
|--|--------|
| for a booke of articles for wednesdays & frydais | vij d. |
|--|--------|

1588.

| | |
|---|--------------|
| pd for a newe Bible | xlvs viij d. |
| for candles & grease againste the two ringinge night [†] | vj d. |
| for a pare of Jambles † for the stoole dore | x d. |
| for bringinge home the stoole by wa [‡] | viiij d. |
| for a newe stoole makinge ‡ | xx s. |

1589.

| | |
|---|--------------|
| for a webb of leade | xij s iij d. |
| to Peter maure for 7 hundred thack tiles § | xxxj d. |
| for a thousand brick | xij s vj d. |
| for a wine Bottell | iiij d. |
| for iij mens dynners at the visitation court at Donington | ij s. |
| for a Catechisme there | xiiij d. |

1592.

| | |
|--|-------|
| pd to Carleton in moreland ¶ | ij s. |
|--|-------|

1593.

| | |
|--|--------------|
| Received of Thomas gartie for the buriall of Mistres Robertson in the church | ix s iiij d. |
|--|--------------|

* St. Hugh, Bishop of Lincoln, 1186—1200. His feast-day is the 17th of November. This was also the day on which Queen Elizabeth ascended the throne. It was probably on this latter account that the bells were rung.

† Hinges; the provincial name is now Gimmers.

‡ Was the "new stoole" a reading-desk?

§ Flat tiles for roofing.

¶ This was probably for a brief. Carleton le Moorland is a village in the parts of Kesteven, co. Lincoln, about 7 miles E.N.E. of Newark.

1595.

| | |
|---|----------------|
| pd to the apparitor for falltē in the churche | ij s viij d. |
| for playing in the churche | iiij s viij d. |
| to Lincoln Jaill the xxi day of december | iiij s xd. |
| to Mr ffendicke for the maimed souldiours | ij s iiij d. |
| at the Seessions for the releife of the poore Soldiours | ij s vj d. |
| to the apparator for sufferinge a plaie in the church | iiij s viij d. |

1596.

| | |
|---|---------|
| pd for a Booke of prayer concerninge the good success of the queenes maiesties navie | vj d. |
| for Sope against St hughe day | iiij d. |
| for Bread on St hughes even | iiij d. |

1598.

| | |
|--|-------|
| pd mr ffendicke at lammastyme for the Kinges marshall benche | ij s. |
|--|-------|

1599.

| | |
|---|------------------|
| pd for parchmēt for the newe Regester booke | vij s. |
| pd for makeing & writtinge therin Baptizemige marryage and burialle that con- teyned in the old Regester booke | xiiij s. iiij d. |
| to Mr ffendick high constable for the relief of maymed souldiers & Hospitall houses | iiij s viij d. |

1600.

| | |
|---|----------|
| Receaved for the old Service booke | ... |
| pd for two mattē for the porche binchers | x d. |
| for removeinge the crose in the church yard and Layinge the stone vp for writtinge accomptē on | viiij d. |

1603.

| | |
|---|--------|
| pd a contribution to Genevy for y ^e monthe of December | xij d. |
|---|--------|

1604.

| | |
|--------------------------------------|-----------|
| pd for the booke of Canans | xviiij d. |
|--------------------------------------|-----------|

1605.

| | |
|--|-------------|
| pd for a table of Consanguinitie & or Article booke | x d. |
| pd Ralf Alliman for 5 daies worke Raissinge & mendinge y ^e webbes on the north side of the church & for Sawtheringe in some other places | ... |
| pd to Thoms Jenkinson brickmayson for chalke haire & spetches (nc) | iiij s x d. |

| | |
|---|------------|
| for a puter comunion pott | ij s vj d. |
| for a newe prayer booke for y ^e kinge mat ^e saffe deliuaunce | vij d. |
| for writtinge the order of placinge all th ^e inhabitant ^e in their stooles in the churche | vij d. |

1611.

| | |
|------------------------------------|--------|
| to a breefe yt came from Spaldinge | ij s. |
| for ayle on plowmunday | xij d. |

1612.

| | |
|---|----------------|
| ReEd for bread and wyne of j d. a poule * | xviij s iij d. |
| for a breefe for S ^{nt} Albons church | ij s vj d. |
| to John ffoster for his daies waige when we went to se boston old pulpute † | xij d. |
| to M ^r Camacke for three wayne scotes for the newe pulpit | xxj s. |

Extracts from the Accounts of the Overseers of the Poor, 1563—1598.

1565.

| | |
|--|---------|
| A Testimoniall delivered the second Sonday aftr easr 1563 given to Jamys vryn | |
| procter of the howse cauled Lock in the countie of Surry | vj d. |
| to one that came with a testimoniall from Dounā in Norfolke | iiij d. |
| to patrick madawle pctor for the hospitall of Enfeld in mydd | vj d. |
| to wilhm Stephynson pctor for the pore howse of Malton in Rydall | vj d. |
| to wilhm Stephynson pctor for the porehouse of Malton in Rydall | vj d. |
| to a mā of market Rason | vij d. |
| given towards the maikyng of Sprott Brygge | vij d. |
| to Thomas Wright pctor for the pore hospitall of lowthe ‡ | vij d. |
| to John Broke & Ric Richardson pore scholers of Oxford on the Sonday next aftr | |
| Eastr | xij d. |
| to Stephyn Tompson of Burton Stature § for that he ys mamed the sixte day of | |
| June 1566 | |
| pd for a purse | j d. |

* The collection for the elements for the Holy Eucharist. The inhabitants paid one penny a head.

† Probably the pulpit now in use in Boston church was made about this time. Its ornamental carvings would lead to the conclusion that it was not older than the time of James I.

‡ The lodge for poor men was a thatched building situate on the north of the parish church at Louth. It was in existence in 1496. When or how it ceased to exist is unknown. It has not been traced lower than the reign of Elizabeth.—*Notitia Lude*, p. 208.

§ Burton-on-Stather in the north of the county.

1565.

the 5 of August 1565 to John Buckell pctor for the porehouse at Cambridge vj d.

1569.

given to Thompson wth one stilte* vj d.

1570.

given to Cook & petr Robertes of whytebay marioners xij d.

given to towe psoners of lincoln withe a keper vj d.

1571.

given to David phillipp pctor of the pore howse at Mile end in Mydd vj d.

given to a pore ma^y havinge a lycence by the lord Willoughby† & Serjent Wrey‡ vj d.

1572.

given to Thomas Ranzard scholer of Cambridge towards exhibiçon iij s iij d.

to a pore scholer of Tattresall vj d.

to Ale Berowes and Katheryne Vaughn of cornewell vj d.

to Thomas Berry a pore scholer of Oxford xvj d.

1573.

gyven to Rof Robson pctor of the howse of Jesus in lowthe iij d.

gyven to Owyn Williams pctor for the pore howse of Jesus in Cambrige vj d.

gyven to v maryoners that were robbed by pyratte xij d.

1574.

to ij Sawdyars that were marryd in Ireland viij d.

gyven for the discharge of John Towtynge his excomynacion vij s.

gyven to the Townshippe of Sybsey for the repaire of yr churchē iij s iij d.

gyven to a lameman that lede a blynd mā vj d.

* A crutch.

† Richard Bertie, son and heir of Thomas Bertie of Bersted, co. Kent, married Catherine Dowager Duchess of Suffolk, who was in her own right Baroness Willoughby of Eresby. He died 9th April 1582. Brydges' Collins' *Peerage*, ii. p. v. Lady Georgiana Bertie, *Five Generations of a Loyal House*.

‡ Sir Christopher Wray, Kt. was born at Bedale, co. York. He was a student at Buckingham College, afterwards Magdalen College, Cambridge, and was admitted at Lincoln's Inn, 6th February 1544-5. In 1574 he was appointed Lord Chief Justice of the Queen's Bench. He lived at Glentworth Hall, in the parts of Lindsay, about thirteen miles north of Lincoln. His death took place 7th May 1592. A stately monument covers his dust in the parish church of Glentworth, whereon he is represented in his official robes.

1575.

| | |
|---|------------|
| given for the discharge of Agnes Towtyng her discharge of excoꝛmunication | ij s vj d. |
| gyven to John Smythe and Thomas Staueley Sawdyors in Ireland | vij d. |
| gyven to certen players | xij d. |

1576.

| | |
|---|---------|
| pd to the Crowner for the deathe of James Sympson | iiij d. |
|---|---------|

1580.

| | |
|---|--------------|
| gyuen to John Totyng and his wyf towarde y ^e release & y ^e children | vij s vj d. |
| a collection gatherd in the churche of Leūton by y ^e churche wardens for & to wards the helynge of Beckewys Arme pd to y ^e surgion | vij s jd ob. |

1581.

| | |
|--------------------------------------|--------|
| for a pare of shoven for Totyng boye | xij d. |
|--------------------------------------|--------|

1587.

| | |
|---|-------|
| pd to wiffm westland for the keeping of younge Rainslie for the space of xiiij daies & for the healing of his legge whiche was bitten by a dogge | ij s. |
|---|-------|

1594.

| | |
|---|--------|
| paide for vj yearde of clothe to make twoo wenchs cotes the some of | ix s. |
| paide for a paire of shoocs for the townesman the some of | xv d. |
| paid for his gaskins * | xij d. |

1598.

| | |
|--|---------|
| to a poore man w'th the broad seale | vj d. |
| to the Admiral seal | vj d. |
| for a winding sheet for Ralph Tompson | xxij d. |
| to the clark for his buriall | iiij d. |
| to Layna ^e wife for winding him | iiij d. |
| for a statute book | iiij s. |

* Gally-gaskins—wide loose trowsers. The term is still used in Yorkshire.

XVIII.—*Some account of an Unpublished Collection of Songs and Ballads by King Henry VIII. and his Contemporaries.* By WILLIAM CHAPPELL, Esq. F.S.A.

Read May 16th, 1867.

A MANUSCRIPT volume of songs, ballads, and instrumental music, which once belonged to Henry VIII, has recently been brought to light, and it is of interest, not merely for restoring a large number of songs of which no other copies are now known, but also because some among them were written by the King himself, within the first three or four years of his reign. Henry was then so much the subject of his own songs, that these are of material assistance in forming a judgment of his early character.

The manuscript is on vellum, bound in wood, and covered with leather stamped with roses and fleurs-de-lis. The size of the cover is 13 inches by 8½, and it was once held together by two clasps, which have now disappeared. On the fly-leaf, in a hand of the time (probably that of one of his librarians) is "Henricus Dei gra. Rex Anglie."

Such of the songs and ballads as were written and composed by the King, have "The Kynge H. VIII." in the centre of the page at the top; while those of his musicians and of others have their several names appended, in the usual way, at the end of the song.*

The volume contains 112 pieces of music, of which 63 are vocal and 49 instrumental. They are chiefly for three or four voices, or instruments.

Of the entire number only five are to be found in duplicate in the British Museum. A sixth, "I have been a Foster long and many a day," differs in the sequel from a song under the same title in the British Museum, MS. Add. No. 5665.

The first of the before-named five is the ballad by Anthony Woodvyle, Earl Rivers, "Sumwhat musing and more mo[u]rning," which, according to Rouse, was written during the Earl's imprisonment in Pontefract Castle in 1483. This was transcribed by Ritson from the Fairfax MS. [now No. 5465 of the Addit. MSS.] and published in his *Ancient Songs*.

The second, third, and fourth, which were printed in my *Popular Music of the*

* Plate XVI. p. 372, gives a reduced facsimile (from photographs taken by H. W. Diamond, Esq. M.D. Hon. Photographer S. A. L.) of two pair of pages of the MS.; the two upper pages containing the King's Song printed on the next page—the two lower a "trolley lolly," set by Cornishe.

Olden Time, are "Pastyme with good Company," by Henry VIII., "Ah, the syghes that com fro my hart," and "Blow thy horne, hunter," both now proved to be by William Cornish, one of the gentlemen of Henry's Chapel. I copied the first from Addit. MSS. No. 5665, the second and third from Append. to Royal MSS. No. 58.

The fifth song "If I had wytt for to endyght," is still unpublished, but is also included in the last-named MS.

Even in these the present copy is of use, as often supplying better readings, both of music and of words; for instance, in Earl Rivers's ballad, it is far more probable that he wrote

Such is my *chaunce*,
Willyng to dye.

than "Such is my *daunce*," as in the copy followed by Ritson.

The first of the vocal pieces in the MS. is Henry's once popular song, "Pastyme with good Company." This, in the manuscript formerly in Ritson's possession and now Addit. MS. No. 5665 in the British Museum, is entitled "The Kyngis Balade;" nevertheless Ritson ascribed it very doubtingly to Henry VIII. It reads thus:—

The Kynges h. duy.

Pastyme with good companye
I love, & shall untill I dye:
Gruche who lust—but none denye—
So God be plesyd, thus leve wyll I:
For my pastance
Hunt, syng and dance—
My hart is sett!
All goodly sport
For my comfort
Who shall me let?

Youth must have sum daliance,
Of good or yll sum pastance;
Company me thynkes then best
All thoughtes & fansys to deject:
ffor idillness
Is cheff mastres
Of vices all;
Then who can say
But myrth and play
Is best of all?

For my pastore

P Althine is good grace I love a shall we will I love
 grace who left me none where so good be pleased I love
 I for my pastore first grace a shall we will I love
 grace who left me none where so good be pleased I love
 I for my pastore first grace a shall we will I love
 grace who left me none where so good be pleased I love

For my pastore

P Althine is good grace I love a shall we will I love
 grace who left me none where so good be pleased I love
 I for my pastore first grace a shall we will I love
 grace who left me none where so good be pleased I love
 I for my pastore first grace a shall we will I love
 grace who left me none where so good be pleased I love

For my pastore

P Althine is good grace I love a shall we will I love
 grace who left me none where so good be pleased I love
 I for my pastore first grace a shall we will I love
 grace who left me none where so good be pleased I love
 I for my pastore first grace a shall we will I love
 grace who left me none where so good be pleased I love

For my pastore

P Althine is good grace I love a shall we will I love
 grace who left me none where so good be pleased I love
 I for my pastore first grace a shall we will I love
 grace who left me none where so good be pleased I love
 I for my pastore first grace a shall we will I love
 grace who left me none where so good be pleased I love

For my pastore

P Althine is good grace I love a shall we will I love
 grace who left me none where so good be pleased I love
 I for my pastore first grace a shall we will I love
 grace who left me none where so good be pleased I love
 I for my pastore first grace a shall we will I love
 grace who left me none where so good be pleased I love

M. S. MUSIC, TEMP. HENRY VIII.

[Reduced Facsimile]

Published by the Society of Antiquaries of London, 1868.

Company with honesté
 Is vertu—vices to ffe—
 Company is good and ill,
 But every man hath hys fré wyll;
 The best ensew,
 The worst eschew.
 My mynde shal be
 Vertu to use,
 Vice to refuse—
 Thus shall I use me."—(p. 24-25 of the MS.)

Bishop Latimer made this ballad the subject of one of his sermons before Edward the Sixth. He wished to instil into Edward a higher view of what "Pastyme with good Company" should be, than he would gather from his father's ballad, and on that account he took it, almost as a text, for his second sermon before the young King.

Latimer says: "Yet a King may take his pastime in hawking or hunting, or such like pleasures, but he must use them for recreation, when he is weary of weighty affairs, that he may return to them the more lusty: and this is called *Pastime with good Company*." (*Parker Soc. edit. p. 120*). And again: "So your Grace must learn to do of Salomon—ye must take your petition [to God] now study, now pray—they must be yoked together, and this is called *Pastime with good Company*." (*idem p. 125*).

That these allusions should have passed unnoticed by the learned editor of Latimer's works (versed rather in theology than in ballads) is not surprising, but that they should previously have escaped the acute eye of Ritson is singular. That he had read Latimer's Sermons is shown by his quoting them in his *Robin Hood*, and the comparison of dates proves that he had the manuscript, in which "Pastime with good Company" is called "The Kyngis Balade," four years at least in his possession before he published his *Historical Essay on Scottish Song*. It is in a note to that essay, where "Pastance vitht gude Company" is mentioned first in the list of "sueit sangis" in Wedderburn's *Complainte of Scotlande*, that Ritson says: "This is a song by our Henry the eighth as is supposed."

The placing it first in the list of sweet songs in a Scotch publication may be taken as further evidence of its former popularity; indeed the music is pleasing and easy, and such as would suit the popular taste. Henry had pleaded in the ballad, that "Youthe must have sum daliance." In the next song in the MS. he

illustrates his maxim by a little French song of four lines, addressed to his mistress:—

Adieu, Madam, et ma mastres !
 Adieu, mon solas et ma joye !
 Adieu vous diz par graunt tristesse ;
 Adieu, jusque vous revoye !—(p. 30-31.)

This is immediately followed by another of his French songs, and of the same stamp:—

Helas, Madame! celle que jeme tant,
 Soffres que soie voutre humble servant !
 Je seray a vous
 A tousiours,
 E, tant que vivray,
 Aultre n'aimeray
 Que vous.—(p. 32-33.)

The idea of the first of these is repeated in an English dress, with other music, by the King:—

O, my hart ! & O, my hart !
 My hart it is so sore,
 Sens I must nedys from my love depart,
 And know no cause wherfore.—(p. 40-41.)

Henry next expresses his desire to retain the affection of the lady in the following song:—

Alas, what shall I do for love ?
 Alas what shall I do,
 (Syth now so kynd
 I do yow fynde)
 To kepe yow me unto?—(p. 36-37.)

Then he professes his own constancy in a song with the burden coming in at the end of every second line:

*Grene growth the holy, so doth the ivé,
 Thow winters blastys blow never so hye.*
 As the holy growth grene & never chaungyth hew
 So I am—ever hath bene—unto my lady trew.
Grene growth, &c.
 As the holy growth grene, with ivé all alone,
 When flowerys can not be sene and grene wode levys be gone,

Now unto my lady, promyse to her I make,
ffrome all other, only to *her* I me be take.
Adew, myne owne lady, adew, my specyall,
Who hath my hart trewly, be suere, and ever shall."—(p. 70-71.)

We have no clue to the lady to whom these songs were addressed, but possibly the first line of the following "Hey trolly lolly," may have been her picture:—

My love is lusty, plesant and demure
That hath my hart in cure.
Hey trolly lolly.
As the hauke to the lure
So my hart to her I ensure.
Hey trolly lolly.
Glad to do her plesure,
And thus I wyll endure.
Hey trolly lolly.—(p. 155.)

Henry then justifies his amours in another song with the burden

*Let not us, that yong men be,
From Venus ways bangsht to be.*
Thow that age, with gret dysdayne,
Wold have yowth love to refrayn,
In ther myndys consyder they must
How *they* dyd in ther most lust.
ffor yowth ys frayle & prompt to doo,
As well vices as vertuus to ensew ;
Wher for be this he must be gydyd,
And vertuus pastaunce must theryn be usyd.
Now unto God this prayer we make
That this rude play may well be take,
And that we may ower fauttys a mend,
And blysse opteyne at ower last end. Amen.—(p. 170-171.)

There are eighteen songs and ballads and fifteen instrumental pieces that bear the King's name in the volume, but there are also others, where the scribe has omitted the name of the author, which from identity of style and thought, from the use of the same words and rhymes, may safely be ascribed to the King. The two last quoted are among the number. Such omissions are chiefly in the latter part of the MS. In two places eight consecutively, in a third place five, and in

a fourth, four songs have no author assigned to them. The following declaration of Henry's has his name in the body of the song, but not at the head. It begins with a burden of four lines repeated at the end of every fourth line, and ends with a prayer like the last :—

Though sum say that youghth rulyth me,

I trust in age to tarry :

God & my ryght, & my dewtye,

From them shall I never vary.

I pray you all that aged be,

How well dyd ye your youghth carry ?

I thynk sum wars[e] of ych degre,

Ther in a wager lay dar I.

Though sum, &c.

Pastymes of youghth sum tyme among

None can say but necessary :

I hurt no man, I do no wrong,

I love trew where I dyd mary.

Though sum, &c.

Then sone dyscusse that hens we must,

Pray we to God & seynt Mary

That all amend—And here an end—

Thus sayth the Kyng, the VIIIth Harry.—(p. 138 to 141.)

Such a resolution as that of giving up pleasure only when too old any longer to enjoy it, and the taking credit for it in advance, are quite characteristic of Henry. It was never present, but only future self-denial that he would promise. All this time he was professing love for the Queen, not only in his songs, but also writing to her father, Ferdinand, that, if unmarried, he would choose Katharine again before any other woman in the world.

His determination to follow his bent is again portrayed in the following :—

Lusti youtgthe should us ensew

Hys mery hart shall sure all rew :

For what so ever thay do hym tell,

It ys not for hym—we know yt well.

ffor they wold have hym hys liberye refrayne,

And all mery company for to dys-dayne ;

But I wyll not so, what so ever they say,

But follow hys mynd in all that we may.—(p. 184-185.)

In two other of his songs, Henry expresses himself as one who considered this kind of general love-making a privilege and sign of nobility. The first is as follows :—

If love now reynyde, as it hath bene,
And war rewardit, as it hath sene,
Nobyll men then wold suer enserch
All ways, wher by thay myght it rech :
But envy reynyth with such [dysdayne]
A[s] causith lovers outwardly to refrayne !
Which puttes them to, more & more,
(Inwardly most grevous & sore)
The faut in whome I can not sett
But let them them tell which love doth gett.
To lovers, I put now suer this cace,
Which of ther loves doth get them grace ;
And, unto them which doth it know
Better than I do, I thynk it so.—(p. 93.)

The second (in which he tells us that to disdain love is a sign of humble birth) runs thus :—

Thow that men do call it dotage,
Who loveth not wantith corage ;
And who so ever may love gete
ffrom Venus sure he must it fett,
Or ells ffrom her which is her hayre,
And she to hym must seme most fayre.
With ee & mynd doth both agre ;
Ther is no bote—ther must it be.
The ee doth loke & represent,
But mynd affermyth with full consent,
Thus am I fyxed withowt gruge,
Mine ey, with hart, doth me so juge.
Love maynteyneth all noble courage ;
Who love dys-dayneth ys all of the village :
Soch lovers, though they [may] take payne,
It were peté thay shuld optayne ;
For often tymes, wher they do sewe,
Thay hynder lovers that wolde be trew ;
ffor whoso lovith shuld love but oone—
Chauge whoso wyll, I wyll be none.—(p. 106-107.)

Such then was the character of Henry's love-songs, and such his excuses for his amours. The virtue that he so constantly professed may be accorded to him in

the sense of strength, manliness, and courage, but certainly not in that of moral perfection. We are told that he composed masses and anthems that were often sung in his chapel. Only one of the latter is extant, and his selection of words will not alter the impression of his character derived from his love-songs. He chose from the Vulgate translation of the *Canticorum Canticum*, Cap. vij. beginning: "Quam pulchra es et quam decora, carissima in deliciis! Statura tua assimilata est palmæ, et ubera tua botris;" and ended at "Ibi dabo tibi ubera mea." Lord Herbert of Cherbury, who wrote his life, palliates his amours, for that, "being of a replete sanguine bulk, he had more *matter* for the heat of concupiscence to work upon." "Neither," says Lord Herbert, "were his two contemporaries, Charles and Francis, less peccant in this kinde, for they had their *amourettes*, their *Indebita Vasa*, and divers natural children."

Puttenham, in his *Arte of English Poesie*, says, that King Henry, "who hated not a faire woman," used to take his standard-bearer, Sir Andrew Flamock, in his barge, to entertain him when he went to visit a fair lady whom he loved, and who was lodged in the tower of the palace at Greenwich. The King blew his horn at his entrance into the park, as the signal of his approach, and on one occasion began a song:—

Within this towre
There lieth a flowre
That hath my hart, &c.

Now there is one love-song in the manuscript addressed to the King by some lady for whose sake, she tells us, the King had tilted at the ring, and in six courses had taken it four times, but that is the only clue her song affords to the authorship. If any excuse could be made for Henry it would be from his receiving such amative addresses as this. As Sir John Hawkins says of a similar but less explicit declaration, there is in this "great simplicity of style and sentiment, and a frankness discoverable on the lady's part, not warranted by the manners of the present time." The burden of the song is:

*Whilles lyve or breth is in my brest
My soverayne lord I shall love best.*

My soverayne lord, for my poure sake,
Six courses at the ryng dyd make,
Of which four tymes he did it take:
Wher for my hart I hym bequest,
And, of all other, for to love best
My soverayne lord.

My soverayne lorde of pusant[ce] pure
As the chefteyne of a waryowere,
With spere & sword at the barryoure—
As hardy with the hardyest
He provith hym selfe, that I sey, best
My soverayne lorde.

My soverayne lorde, in every thyng
Above all other—as a kyng—
In that he doth no comparyng :
But, of a trewth, he worthyest is
To have the prayse of all the best,
My soverayne lorde.

My soverayne lorde when that I mete
His cherfull continuaunce doth replete
My hart with joé ; that I behete,
Next God, but he : and ever prest
With hart & body to love best
My soverayne lorde.

So many virtuse, gevyn of grace,
Ther is none one lyve that hace—
Beholde his favor and his face,
His personage most godlyest !
A vengeance on them that loveth nott best
My soverayne lorde.

The soverayne Lorde that is of all
My soverayne lorde save, principall !
He hath my hart & ever shall.
Of God I ask—for hym request—
Of all gode fortu[n]es to send him best

My soverayne lorde.—(p. 104-105.)

As this song bears only the name of "W. Cornyshe" in the manuscript, we may infer that it was given to him by the lady to set to music. A lady's production it must be.

This William Cornish deserves a place in our biographical dictionaries. He was a poet, an elegant and melodious composer, and a Gentleman of the Chapel to Henry VII. and Henry VIII. In the latter reign he became, eventually, "Master of the Kyng's Chapell" (16 Henry VIII.), and he seems to have died before 1526, because in that year Crane was Master of the Children.

We first read of Cornish in 1493, when, in Henry VII.'s Privy Purse expenses, a payment was made on the 12th of November "to one Cornysse for a prophecy,

in rewarde, 13s. 4d.", and on Christmas day, 1502, a similar sum for a Christmas Carol. In 1504, one of his poems, entitled "A Treatise betwene Trouth and Informacion," was superscribed "In the fleete, made by me William Cornishe, otherwise called Nyshewhete, Chapelman with the most famose and noble Kyng Henry the VII. his reygne the 19 yere, the moneth of July." As one of the King's servants, and dating from the Fleet prison, we may suppose that he had fallen under the displeasure of the Star Chamber—perhaps for some "prophecy" or ballad, not so agreeable to the King as the former. The semi-disguise of his name, changing "corn" into "wheat" and transposing the syllables, seems to shew that he had written some things that he did not wish to avow. However this may be, he was eventually restored to the favour of the King, for in the last year of his reign, viz. in December 1508, we again find, "To Mr. Kyte, Cornishe, and other of the Chapell that played affore the King at Richmonte, £6. 13s. 4d."

At the commencement of Henry VIII.'s reign, Stowe tells us of a ballad against Sir Richard Empson, which was written by "Cornish of the King's Chappell" at the request of the Earl of Kent. Stowe had seen "many opprobrious rhymes" against Empson and Dudley, but specifies only this. The payments of Henry VII. to Cornish are altogether thrown into the shade by one in the 8th year of Henry VIII. "Nov. To Master Cornishe Gentyelman of the King's Chapell, upon a warrant, in rewarde £200."

We may infer that Cornish was intimate with Skelton, first, from the fact of his *Treatise betwene Trouth and Information* having been printed, with his name, in the first collected edition of Skelton's works (1568); and, secondly, because two, if not all three of the musical compositions by Cornish in the Fairfax MS. are to words by Skelton. The first is Skelton's "Manerly Margery Mylk and Ale:"—

Ah beshere we yow, be my fay,
This wanton clarkes be nyse all way,
Avent, avent, my popajay! &c.

The second is one of Skelton's religious songs, beginning

Woffully araid,
My blood, man,
For thé ran, &c.

The third is a satire upon drunken Netherlanders in England, entitled "Hoyda, joly Rutterkyn," beginning

Rutterkyn is com unto oure towne
In a cloke, without cote or gowne
Save a ruggid hode to kover his crowne,
Like a rutter hoyda, &c.

This last, if not Skelton's, is at least alluded to by him in his Interlude entitled *Magnyfycence*, where Courtly Abusyon first sings

Rutty bully, joly rutterkyn, heyda !

and then says

Am I not a joly rutter ?

The Rev. Alexander Dyce first pointed out the probability of this being by Skelton, and printed the words in a note to Skelton's works.

The three above-named songs, and a "Salve, Regina cœlorum" (in Harl. MSS. 1709), are all the music that bears the name of William Cornish in the library of the British Museum. In the present MS. we have twelve more of his compositions (eleven vocal and one for instruments); and of the twelve, only two, "Ah the syghes that com fro my hart," and "Blow thy horne, hunter," are known to exist elsewhere.

One of the recovered songs is

My love she morneth for me, for me,
My love she morneth for me.—(p. 56-57.)

which has long been sought for, it having been known only through a religious parody in "*Ane Compendious Booke of Godly and Spirituall Songs*," printed in Edinburgh, for the second time, by Andro Hart in 1621.

The following ballad, also by Cornish, is more in the style of his *Treatise betwene Trough and Information*. It has for burden, at the end of every second line :—

You & I, & Amyas,
To the grene wod must we go.—(p. 86-87.)

Supposing the name of Amyas not to have been taken at random (it was not for rhyme), and that Sir Amyas Poulet may have been intended, the ballad must have been written quite early in Henry's reign, and so far agree in date with the other contents of the manuscript. When Wolsey became Chancellor, he confined Sir Amyas to the gatehouse of the Middle Temple, and kept him there for five or six years, because he had most arbitrarily put Wolsey in the stocks when he went to take possession of his first preferment. This was the living of Lymington, in Somersetshire, given to him by the Marquess of Dorset, to whose sons Wolsey was then tutor at Oxford. Such a guide to a date may be frail, but others will follow.

The words of the ballad are

The Knyght knockett at the castell gate,
The Lady mervelyd who was ther at,

To call the porter he wold not blyn—
 The Lady said he shuld not com in.
 The Portres was a Lady bryght,
 Strangenes that Lady hyght,
 She asked hym what was his name—
 He said, "Desyre, your man, Madame."
 She said, "Desyre, what do ye here?"
 He said, "Madame, as your prisonèr."
 He was counsellèd to breffe a byll [write a petition]
 And shew my Lady his owne wyll.
 Kyndnes said, she wold yt bere,
 And Pyté said, she wold be ther—
 Thus, how thay dyd, we can nott say,
 We left them ther & went ower way.

At p. 44 is a song by one of Henry's musicians named ffaredyng or Farthing:—

Aboffe all thyng
 Now lete us synge
 Both day & nyght.
 Adew, mornyng,
 A bud is spryngyng
 Of the red rose and the whyght.

The next is an anonymous production, rather words intervening in an instrumental piece than a song.

Adieu, adieu le company !
 I trust we shall mete oftener,
 Vive le Katherine et vive le prince
 Le infant Rosary.—(p. 144.)

The date of this can scarcely be other than 1511.

"On new yeeres day" (1511) says Stowe, "at Richmond the Queen was delivered of a prince, to the great rejoicing of the whole realme. He was named Henry, but deceased on the 23rd of February next following, at Richmond, and was buried at Westminster."

"In November 1514, the Queen was (again) delivered of a prince, who lived not long after." These were the only sons of Henry by either of the Queens named Katherine.

As to the second birth, Mr. Brewer remarks: "No notice of this event is found among any of the official documents, no rejoicings at his birth as on the previous occasion, and no notice of its burial. Probably it was still-born."

The date of the first birth agrees with others that follow in the MS. and with

the King's oft repeated plea of youth. We may assume that the song was written before the christening, as the child is not called Henry, but the infant Rosary, a title perhaps suggested by the King's badge of the rose, combined with a complimentary prophecy as to the prince's future piety and prayerful disposition.

The next indications of date are at pages 196 and 201 of the MS., and after these, there remain but twelve compositions, occupying the remaining forty-two pages. As Holinshed tells us that about this time, even in his progresses, Henry "exercised himselfe dailie in shooting, singing, dansing, wressing, casting the barre, plaieing at the recorders, flute, virginals, in setting of songs, and making of ballades," we may infer that even the production of the twelve compositions (nine vocal and three instrumental) would not occupy the King any long time. But the number is reduced to eight, since four of the nine vocal pieces are by others.

The song, at p. 196, shews Henry about to make war against the French King on behalf of the Pope. It is as follows :—

England, be glad ! pluck up thy lusty hart !
 Help now thy Kyng, thy Kyng, & tak his part
 Ageynst the Frenchmen in the feld to fyght
 In the quarell of the Church, & in the ryght !
 With spers and sheldys, on goodly horses lyght,
 Bowys and arows to put them all to flyght,
 Helpe now thy Kyng.—(p. 196-197.)

The next is a Round, or Canon in unison, at page 201 :—

Pray we to God, that all may guide,
 That for our Kyng, so to provid,
 To send hym power to hys corage
 He may acheffe this gret viage.
 Now let us syng this Rownd, all thre,
 Seynt George graunt hym the victory !

Now, as to the date. "About this season," says Stowe, (*i. e.* in the autumn of 1511,) "the French King made sharp warre against Pope July, [Julius II.] wherefore the King of England wrote to the French King [Lewis XII.] that he should leave off to vexe the Pope in such wise, being his friend and confederate; but when the French King seemed little to regard that request, the King sent him word to deliver to him his inheritance, both of the Dutchy of Normandy and Guyen, and the counties of Anjou and Main, and also his crown of France; or else he would come with a power, that by fine force he would obtaine his purpose :

but notwithstanding, the French King pursued his warres in Italy; whereupon the King of England joined in league with Maximilian the Emperor, and Ferdinando King of Spaine, and with divers other princes, resolved by the advice of his council, to make war on the French King and his countries, and made preparation both by sea and land."

English troops were shipped to Biscay in May 1512, and in the following November Henry called Parliament together, when it was decided that he should invade France in person. He reached Calais on the 30th of June 1513.

As Henry did not again make war for the Pope against the French, we may infer that so far as this page all in the MS. was written before June 1513.

There are two other pieces worth noting. The first is a specimen of the pre-reformation religious ballad, and rather quaint. It is the only one of that class in the MS. A dialogue between the Virgin and the Infant Jesus, set to music by one of Henry's musicians named Pygott, with a burden in Latin.

Quid petis, o fili?
Mater dulcissima, ba, ba.
O Pater, O fili,
Mihi [prorsus] oscula da, da.*

The moder full manerly & mekly as a mayd,
 Lokyng on her litell son, so laughyng in lap layd,
 So pratyly, so pertly, so passingly well apayd,
 Full softly & full soberly unto her son she said,

Quid petis, o fili?

I mene this by Mary, our maker's moder of myght,
 Full lovely lookyng on our Lord, the lanterne of lyght:
 Thus saying to oure Saviour—this saw I in my syght—
 This reson that I rede you now, I rede [you] it full ryght,

Quid petis, o fili?

Musyng on her maners, so ny marde was my mayne,
 Save it plesyt me so passyngly that past was my payne,
 Yet softly to her swet son methought I hard her sayn,
 Now, gracious God & goode swete babe, yet ons this game agayne.

Quid petis, o fili?—(p. 220-227.)

The second is also a dialogue, but rather of a pastoral character. It is the last in the MS. and in another hand, but one of the same time.

Hey troly loly lo, Mayde, whether go you?
 I go to the medow to mylke my cowe—

* "plausus" in the MS.

Than at the medow I wyll you mete
To gather the flowres both fayre & swete—
Nay, God forbede, that may not be,
I wysse my mother then shall us se.

Now in this medow fayre & grene
We may us sporte & not be sene,
And yf ye wyll I shall consent,
How sey you, mayde, be you content?—
Nay, in goode fayth, I wyll not melle with you,
I pray you, Sir, lett me go mylke my cow.

Why, wyll ye not give me no comferte,
That now in the feldys we may us sportt?
Nay, God forbede, that may not be,
I wysse my mother then shall us se.

Ye be so nyce & so mete of age
That ye gretly move my corage;
Syth I love you, love me agayne,
Let us make one thoughe we be twayne—
Nay, in goode feyth, I wyll not melle with you,
I pray you, Sir, let me go mylke my cow.

Ye have my hert, say what ye wyll,
Wherefore ye muste my mynde fulfyll
And graunte me here your maydynhed,
Or els for you I shal be ded!—
Nay, in good feyth, &c.

Then for this onse I shall you spare,
But the nexte tyme ye must beware
How in the medow ye mylke your cow!
Adew, farewell, and kysse me now—
Nay, in goode feyth, I wylle not melle with you,
I pray you, Sir, let me go mylk my cow.

The history of this MS. is not very clear. From some scribblings at the end it seems to have been in the parish of Benenden, in Kent. Among them are "Sir John Leed in the Parishe of Benynden;" "Syr John Berde in the Parishe of Benenden." These Sir Johns were probably incumbents of Benenden, as no such knights are to be traced. The Rev. Lambert Larking suggests to me that, as Hempsted, now the seat of the Right Honourable Gathorne Hardy, and formerly that of the Guildfords, is in the parish of Benenden, the book may have been left there. Sir Henry Guilford, or Guldeford, was, at the time in question, Comp-

troller of the King's household, K. G., and high in the King's favour. Royal visits to Hempsted were not infrequent. It is possible that on one of these occasions the book may have been taken for the King to sing from, and left behind, or that it was borrowed for the purpose of transcribing some of the songs, and forgotten.

About a hundred years ago it was in the possession of Stephen Fuller, of Hart Street, Bloomsbury; his name is written on the first leaf of the music, and his book plate is under that of Archibald, Earl of Eglinton, its next possessor. The Earl's only surviving child and heiress married, secondly, Sir Charles Montolieu Lamb, Bart. of Beauport Park, Sussex. This lady brought the personal property of the Montgomeries into the Lamb family; and this volume, with other relics, came into the possession of Mrs. Lamb, mother of the present baronet, through her marriage with the only son of Sir Charles M. Lamb, by his wife Lady Mary Montgomerie. To Mrs. Lamb we are indebted for the loan of the MS. this evening.

XIX.—*Observations on the Details of Vespasian's first Campaign in Britain.*

By CHARLES WARNE, Esq., F.S.A.

Read June 6th, 1867.

WHILST the progress of Cæsar from the shores of Gaul to the place of his landing in Britain, and his subsequent advance into the interior of the country, are regarded as subjects worthy of the attention of men of the highest eminence in antiquarian and classical science, it may seem somewhat strange that their researches should have stopped there, and that comparatively little consideration has been bestowed on the progress of those military expeditions which ultimately led to the subjugation of the whole of Britain, and its incorporation with the great Roman Empire.

It seems that by tacit consent antiquaries are content to rest satisfied with the few brief notices of very important facts that have been handed down in the pages of history, without taking the trouble to verify them by the light of actual investigation.

Under a conviction of what may be achieved by this method of inquiry, it is my object in this essay to invite attention, for the first time I believe, to a remarkable series of earthworks in Dorsetshire, which, in my opinion, is intimately related to those military operations which were undertaken by one of Rome's most successful generals in carrying out the great scheme of the invasion of Britain.

That general will be at once recognised as Vespasian. At the period when Claudius was making his attempt on Britain, Vespasian held a command in Germany; but, being called upon to take part in the enterprise, he brought over with him the "Legio Secunda" or "Augusta," of which he was legate, and seems to have taken up his position at Vectis.

This occurrence is thus alluded to by Suetonius; "Claudio principe, Narcissi gratiâ, legatus legionis in Germaniam missus est (Vespasianus), inde Britan-

niam translatus, tricies cum hoste confligit. Duas validissimas gentes, superque viginti oppida, et insulam Vectem, Britanniae proximam, in ditionem redegit."^a

And briefly Eutropius; "Vespasianus huic (Vitellio) successit, privata vita illustris, ut qui a Claudio in Germaniam, deinde in Britanniam missus, tricies et bis cum hoste conflixerit, duas validissimas gentes, xx oppida, insulam Vectem, Britanniae proximam, imperio Romano adjicerit."^b

Seldom have fewer words comprised more important facts, and we may well deplore the brevity of narratives which veils a transaction whose details, pregnant with history, would have been for us subjects of the most stirring interest.

Imagination may supply much that is wanting, and convert many a lofty height, many a wide-spread plain, and many a quiet valley into historic sites as scenes of heroic deeds, where the brave but undisciplined Briton fell in the unequal struggle, and left nothing but the mounds that hide his ashes to tell the touching story of his patriotic resistance.

We have no means of knowing whether Vespasian, following in the footsteps of his great predecessor Cæsar, landed on the shores of Kent and fought his way through the south-eastern territory (which, be it remembered, was at that time one vast primæval forest known as that of Anderida,) to the coast, whence he would pass by a narrow channel to the Isle of Wight.

Rather may we suppose Cæsar's footsteps to have been followed by Claudius himself, and that Vespasian directed his course from Germany straight to the Island Vectis, with the intention of making it the base of his future operations.

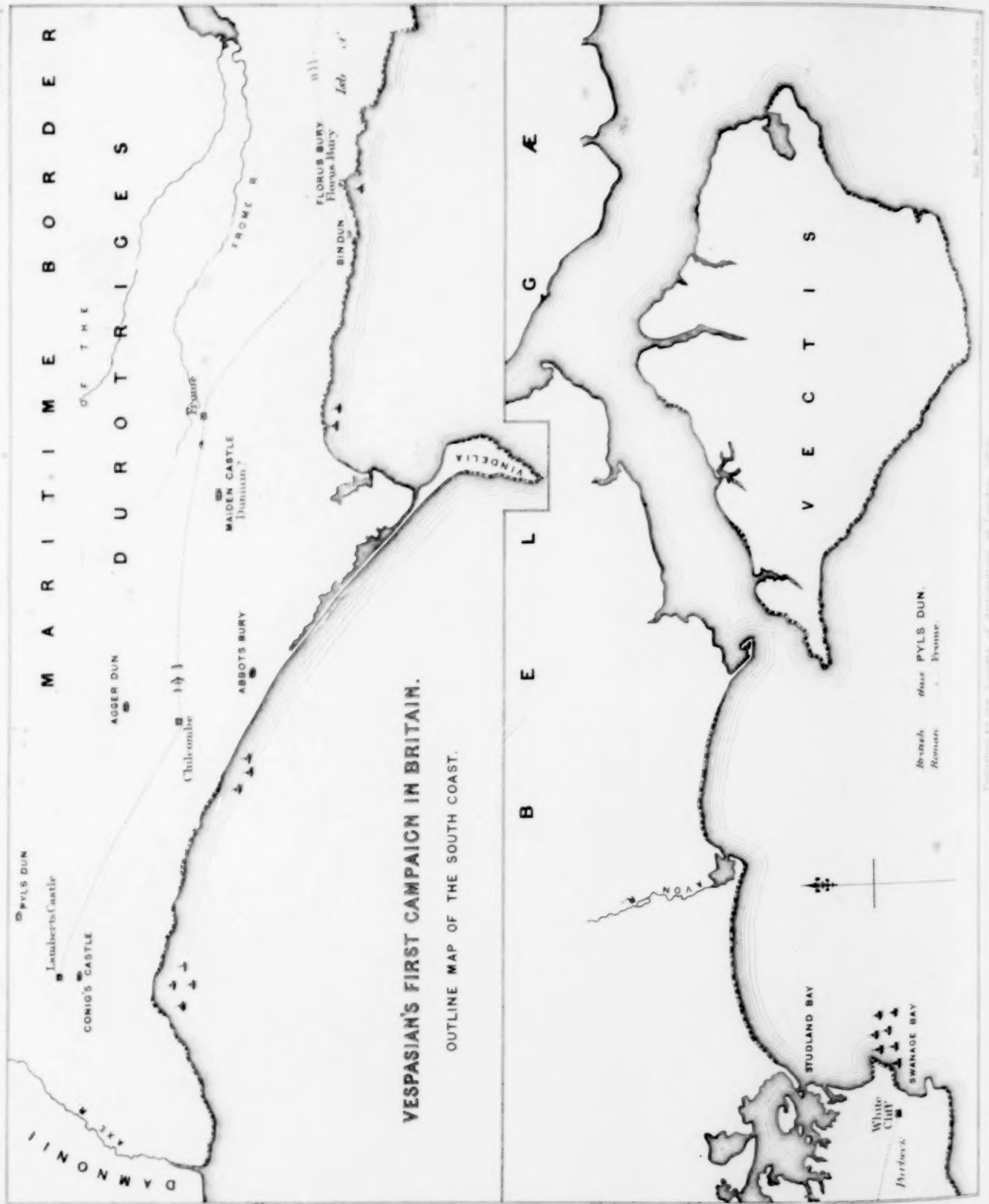
As regards myself, I believe his object was, after obtaining possession of that island, to proceed to the subjugation of the Durotriges.

To trace the progress of his arms does not lie within the scope of the historian, for history has afforded no landmarks for his guidance; but it is the labour of the antiquary, who may appeal to certain evidences stamped upon the soil itself, which, upon careful study, will resolve themselves into a well-connected series of facts that gives a high degree of probability, if not of proof, to the reality of his conjectures.

Being established then at Vectis, Vespasian's next step seems to have been taken with the view of rendering himself master of the coast-line to the west, before he carried his arms into the interior; and, on taking a general survey of his position, the opposite shores of Purbeck were the point to which his attention would be naturally directed.

^a Sueton. de T. Fl. Vesp. cap. iv.

^b Eutrop. lib. vii. cap. xix. edit. Virheyk, 1762.



This point is not so far distant but that, taking advantage of a moderate breeze at the ebb of the tide, his galleys would in a few hours find anchorage in Studland or Swanwich Bay, where, the sandy nature of the shore and the low elevation of the coast being favourable circumstances, he would be enabled speedily to disembark his forces, and place them at once on an equality with the enemy.

This invasion of the country of the Durotriges must have been undertaken under circumstances more favourable for its success than was the expedition of Cæsar, for it is manifest, from the plan of this campaign, that the character of the country in a strategic point of view was thoroughly understood; and we do not find the Roman general marching at once into the interior, as that would probably have brought disaster to his army, forasmuch as the coast-line was guarded by a series of imposing fortresses, which, if left undisturbed, would have operated on his rear. Hence it became of paramount necessity to dispose of them at the outset. Another reason that might weigh with him in taking the route through Purbeck—and a most important consideration too—would be, that his army would have its transports always at hand, parallel to his line of march, from which to draw supplies, or to fall back upon in the event of defeat.

The route of a Roman expeditionary army is generally indicated by a series of *castra*, which they were accustomed to throw up hastily at their several halting-places and termination of the day's march; but, as such *castra* were works of a temporary character, they often became obliterated by the lapse of time, so that it is only under somewhat rare and exceptional circumstances that they can now be distinctly recognised.

Some such work must have been constructed in the vicinity of the disembarkation in Swanwich Bay. Now, although I am unable to point with confidence to the discovery, nevertheless I can affirm that there are vestiges of earthworks in its neighbourhood that may, with great probability, be thought to bear this significance.*

* Not far from the Eastern shore of the Isle of Purbeck, where the disembarkation of the Roman army is considered to have been effected, is an old manor house known as White Cliff, adjoining which are some low rectangular embankments of very remote origin, as they are intruded upon by the house, gardens, and other inclosures; these embankments are sufficiently characteristic to favour the conclusion that they are as likely to be the vestiges of a Roman expeditionary camp, as remains of agricultural inclosures of an age anterior to that of the house, as has already been shown. The house is reputed to have been a hunting lodge of King John, the Isle of Purbeck being known by historical evidence to have abounded with deer down to the seventeenth century. This tradition is very probable as regards that King, whose restless character is sufficiently well known by his progresses, but its application to the building must be referred to one

Near at hand is the eastern terminus of the ridgeway, which, with few interruptions, follows nearly the entire coast-line of the Durotriges, and leads direct to their principal stronghold. Lofty, commanding, and comparatively free from impediments, it marks the direction of ancient intercourse; nor can we err in assuming that it formed the line of the Roman advance, for we shall find it intersected by a system of short cross-dykes,* thrown up by the Britons to impede the progress of the invaders, or by the Romans for the purpose of protecting their rear from a hostile attack.

On this ridgeway, and at the distance of one day's march from the landing-place, stands the first stronghold of the Britons; like all their other fortresses, in an almost impregnable position, raised on the verge of a perpendicular cliff, whose base, hundreds of feet below, is lashed by the waves, and overlooking in another direction a vast expanse of wild heath-land, where treacherous bogs and broken ground would render the approach of an attacking force difficult, if not altogether impossible.

The only practicable route, therefore, lay along the ridgeway, and would conduct the invaders to the eastern entrance (its only accessible approach), and there, no doubt, all the resources of its occupants would be brought into requisition for the purpose of repelling the attack.

But, in the absence of details, we can simply deal with results; consequently we can only infer that, how strenuous soever that opposition might have been, it

which doubtless preceded the present manor house. Another tradition, however, and more to our purpose, still lingers in, and is attached to, this place, to the effect that White Cliff was the scene of a terrible fight, in which nine kings were slain, all of whom were buried in a group of tumuli on Nine Barrow Down, a portion of the ridgeway between White Cliff and Corfe Castle. Without for a moment placing implicit faith in tradition, which we all know is more or less a perversion of acts and facts whose origin is obscured in the mist of time; still, in the present instance, this well merits our attention from its allusion to a great battle, which may be reasonably applied to that which must have taken place on the landing of the Romans. On such an event the whole "posse comitatus" of the native tribes under the conduct of their several chieftains (or kings, as says the tradition) would be assembled to oppose the invaders, when many of the native leaders fell; and this is rendered more probable from the significant (we would almost say fact) traditionary interment of the nine chieftains or kings under tumuli.

* Cross dykes are mentioned by Caesar, *De Bello Gallico*, ii. 8. He says, "Ubi nostros non esse inferiores intellexit, loco pro castris ad aciem instruendam naturâ opportuno atque idoneo (quod is collis, ubi castra posita erant, paululum ex planitie editus, tantum adversus in latitudinem patebat, quantum loci acies instructa occupare poterat, atque ex utrâque parte lateris dejectus habebat, et in frontem leniter fastigatus, paulatim ad planitiem redibat,) ab utroque latere ejus collis transversam fossam obduxit circiter passuum CD; et ad extremas fossas castella constituit, ibique tormenta collocavit, ne, quum aciem instruxisset, hostes (quod tantum multitudine poterant) ab lateribus pugnantes suos circumvenire possent."

failed to arrest the progress of the invaders, who not only dislodged the gallant defenders, but probably occupied their position for a brief period before they resumed their march.

This view is greatly confirmed in my own mind by the fact that, long before I entertained the remotest conception on this subject, I had the impression that a portion of these earthworks had been strengthened; for an antiquary of any experience could not fail to have observed an extensive restoration of the inner vallum by an addition to its height and breadth, while the irregularities of surface at the base show whence the soil was procured for that purpose.

This Celtic stronghold is known by the name of Flowers or Florus Bury. Opposite to it on the west, and separated by a very broad and deep ravine, stands the equally high and precipitous hill-city of Bindun, which we may fairly assume to have been the retreat of the discomfited Britons, for no other stronghold in this district possesses the same natural capabilities for defence and protection. It is even superior in some respects to the fortress whence they had been expelled, for its north side, where only it is accessible and that by a steep ascent, was defended by a wall of Cyclopean masonry, the other sides being secure from assault in beetling cliffs and frowning precipices.

But not even obstacles such as these could daunt the victorious Romans, and we may picture in our minds the continuance of the strife and siege until the Britons were finally driven out of their "city of refuge." And we may further conceive that the powerful resistance encountered at Bindun necessitated a brief occupation of the entrenched camp and the restoration of the ramparts of Florus Bury, in the name of which we can recognise at this day the memorial of some valiant Roman whose prowess, perhaps, was identified with its capture.

With the fall of Bindun the Roman army would, after the delay necessary for securing its conquests, be again on its march towards the stupendous stronghold of Dunium, the capital of the Durotriges, now known as Maiden Castle, by far the most important and colossal of all the military works of this ancient people, if not of any of the Celtic works in Britain.

We may be sure that the disastrous tidings of the loss of Florus Bury and the sacking of Bindun quickly sped to the remotest boundary of the ill-fated territory, rousing the energies of its native population to resist the further progress of the invader, to rally round their chiefs, and avert, if possible, that dire calamity which was gradually stealing upon them.

Although the probability of their fate may have been foreseen by them for many years, it would still seem that its approach had not been expected from

the quarter whence it was actually coming,—the evidence of which is derived from the incomplete and unfinished state of the defences of this important stronghold on its south side, or that which is towards the coast. The attack, therefore, when it came, seems to have been somewhat of the nature of a surprise, as it found the ramparts of their citadel in an unfinished state, which must have greatly favoured the tactics of Vespasian.

The ability displayed in the construction of a defensive work of such vast extent and strength as this of Dunium indicates the possession of great strategic skill, a numerous population, and the lapse of a lengthened period of time, and it was doubtlessly intended, like other great Celtic fortresses, to receive the surrounding inhabitants, with their flocks and herds, on the alarm of an invasion; but none had ever threatened it yet with a danger like the present.

I may remark that the existing features of the camp carry with them traces of original form, and subsequent adaptation and enlargement. This is seen in the remains of a worn-down vallum and choked fosse running across the area, apparently marking the extent of a moderately-sized oppidum, which was converted into a stupendous stronghold, with numerous and lofty ramparts of circumvallation.

To return to Vespasian. At the distance of twelve miles or thereabouts, a day's march from Bindun, we find situated on elevated ground immediately overlooking the River Frome, one mile east of Dorchester (the Roman Durnovaria), and near to a large tumulus known as "Conquer Barrow" (significant name!), the vestiges of a large rectangular entrenchment, which I hold to have been Vespasian's Camp, thrown up and occupied by him preparatory to his advance on the fortified heights of Dunium.

The besiegers and the besieged were separated by a wide and fertile plain, which was greatly in favour of the Britons, who doubtlessly were superior in numbers to their better disciplined enemy, and aided by those war-chariots of which Caesar has given us such a graphic description.

But all in vain! For neither numerical advantage nor valour and patriotism could avail against the superior military skill and persevering energy of the Roman Legionaries, who, after it may be many a sanguinary conflict and many an episode of individual heroism on either side, the details of which are shrouded in oblivion, added this desirable position to the other trophies of their victorious general.

The obvious result of this great achievement would be to dishearten the Britons, and thereby materially facilitate the further progress of Vespasian's arms.

His first care would naturally be to secure the peaceful tenure of his new acquisition by demanding hostages from the subjugated tribes. After that he would again turn his face westward, and pursue his original plan of reducing the Celtic strongholds *seriatim*, so as to form a base line for his future operations in the interior. In accordance with this plan he would still follow the line of the ridgeway, which commands on the one hand an extensive sea view, and on the other a wide expanse of the territory then occupied by the Durotriges.

Pursuing the same track, we notice at the distance of some miles from Maiden Castle a series of intersecting dykes similar to those before spoken of on the ridgeway leading to Florus-Bury, and evidently intended for the same purpose.

Soon after these are passed, and at the limit of a day's march from Dunium, we come upon a rectangular entrenched work at Chilcombe, a most valuable example of the Roman expeditionary camp. Its low vallum and shallow fosse are unbroken and unimpaired, a circumstance of the rarest occurrence as regards this description of ancient military work; and in this instance the immunity is entirely owing to the nature of the ground, which the plough has not as yet desecrated.

Here is still the virgin sword which has remained inviolate since the close of that day's march when the castrum was staked out, and its vallum raised around an area which held within its limit a father and son destined to become not only the rulers of the great Roman Empire, but the conquerors of Jerusalem itself.

The position of this castrum was judiciously selected on open elevated land, midway between the Celtic strongholds of Aggerdun on the north and Abbot's Bury on the south, but distant at least four miles from each.

From the fact of no other Roman camp being found in the vicinity of these fortresses, I am inclined to think that Chilcombe was thrown up with an especial reference to them; and further, although Aggerdun was of much greater extent than Abbot's Bury, whilst both possessed great natural and artificial strength, that still the victorious Romans experienced but little if any serious opposition from either of these sources.

The fall of Dunium, together with earlier defeats, had caused the greatest consternation among a people individually brave but unskilful in war, as compared with the well-disciplined troops of imperial Rome, and were in consequence induced to lay down their arms, and purchase peace by the cession of these places of defence.

We are now approaching the close of our subject; still there were yet two more considerable strongholds to be reduced before Vespasian could be said to have completed the work delegated to him, the subjugation of the Durotriges.

Those two were the heights known as Conig's Castle* and Pylsdun; the latter a lofty hill encircled with a triple line of ramparts, the former an isolated hill strongly entrenched with a single vallum and fosse.

Between them, and, be it remarked, one day's march from Chilcombe, we find on a plateau of land another rectangular Roman castrum known as Lambert's Castle, which I take to be the last of Vespasian's camps in the dominion of the Durotriges.

These last works are situated near the boundary of the Damnonii, whose territory on account of its natural conformation would render the further progress of Vespasian matter of greater difficulty than any he had hitherto contended with.

This circumstance, taken in connection with the proximity of the two fastnesses of Conig's Castle and Pylsdun, each occupying commanding positions, may possibly account for the greater strength of the entrenchments of the Roman castrum, for it would be a necessary part of his strategy to make himself fully master of this position before he advanced into the territory of the Damnonii.

The strength of Lambert's Castle may be accepted as a measure of the difficulties he encountered and the resistance he experienced in this quarter; but we have no reason to doubt that the same triumphant success attended him as in the former stages of his progress.

Having thus tracked Vespasian in his course through the kingdom of the Durotriges, and seen the whole of its seaboard reduced, we will compare a summary of the events we have conjecturally described with the statement of Suetonius.

Thus of the "*viginti oppida*" related by him as Vespasian's trophies: we have first Florus Bury closely followed by Bindon; next the grand hill fortress of Dunium; then Abbot's Bury and Aggerdun; and, lastly, Conig's Castle and Pylsdun; so that we can claim seven, at least, of the twenty hill-cities of Suetonius as appertaining to the kingdom of the Durotriges.

Of the thirty battles ("*trices eum hoste confluxit*") we cannot speak so confidently; nevertheless, by taking the number of the "*oppida*" as a guide, we may safely assume they could hardly have been fewer than one-third of the number stated by the historian.

Vespasian without doubt provided for the security of his conquests by entering into compact with the Britons, and requiring from them the surrender of their

* Conig's Castle, a British camp, and occupied by Egbert, A.D. 833, then in the West, to resist a landing of the Danes at Charmouth; hence the name it bears.

vanquished chieftains as hostages for the due observance of treaties; and we may reasonably conceive that many of the defeated warriors would voluntarily take service under the standard of so invincible a leader, and thus help him to achieve the further conquest of their own countrymen.

In conclusion, I may observe that it may be objected to my views of the sequence of Vespasian's victories, as noticed in the beginning of this essay, that the language of Suetonius implies the conquest of Vectis to have followed, not preceded, that of the *duas validissimas gentes*, the Durotriges and Damnonii. I reply, that the intention of the historian was to give an epitome of results, rather than an accurate sequence of events; and that these important records, brief as they are, do not debar us from exercising an independent judgment.

The probabilities in favour of the views herein expressed are corroborated by the fact that if we take a survey of the south coast, from Sussex to Devon inclusively, we shall nowhere find a chain of Roman castra similar to those referred to in this paper as existing in Dorset. These latter are linked together, without a break, and that equidistantly, with the precise interval which classical writers on Roman military affairs mention as the regular day's march of a Roman army.

A subject like the present must necessarily involve a considerable amount of conjecture, owing to the deficiency of historical light; and my endeavour has been, in the absence of direct proof, to assume no more than may be reasonably inferred from presumptive evidence,—a privilege universally accorded, and not in this instance, I hope, abused. If, indeed, no theory were to be accepted unless it were capable of a rigid demonstration, history would be shorn of much of its interest and value, and the archæologist might lay down his pen in despair.

MEM.—The further progress of Vespasian must be sought in the north-eastern corner of the Damnonii, and thence in the adjoining portions of the Belgæ. It is a matter of regret to me that my health prevents my undertaking such an agreeable task.—C. W.

In the accompanying outline-map (Pl. XVII.), reduced from my map of "Dorsetshire, its Celtic, Roman, Saxon, and Danish Vestiges," a fleet and consecutive series of Roman galleys are to be seen laid down on the seacoast; these all bear reference to the foregoing essay. Thus the fleet is intended to point out the place of Vespasian's landing in Swanwich and Studland bays, near White Cliff, and opposite to the Isle of Wight.

The galleys in the offing, and in numerical sequence, indicate respective day's marches, the *castra* occupied, and the Celtic camps taken by him.

The single galley points to Florus Bury and Bindun, the first positions obtained.

Two galleys, the *castrum* raised by him preparatory to his attack on Dunium or Maiden Castle.

Three galleys, the expeditionary *castrum* at Chilcombe and the Celtic camps of Agger Dun and Abbot's Bury; and, lastly,

The four galleys refer to his position (*castrum*) on Lambert's Castle, with the Celtic fortresses of Conig's Castle and Pylsdun, one on either hand.

XX.—*On some Discoveries of Stone Implements in Lough Neagh, Ireland.* By
JOHN EVANS, Esq. F.R.S. F.S.A.

Read January 17th, 1867.

It may be agreeable to this society to receive some account of one of the most extensive, if not the most interesting, discoveries of stone implements which has of late years taken place within the United Kingdom. Indeed, so far as the number of objects found is concerned, the discoveries on the shores of Lough Neagh may almost be ranked with those of the prolific caves of the Dordogne, or those of the Pfahlbauten of the Swiss Lakes.

My attention was first drawn to the probability of discoveries of this character being made on the shores of Lough Neagh, in the following manner. In May, 1859, I happened to be at Antrim, where I had stopped mainly for the purpose of visiting the very perfect round tower which stands a short distance from the town: it is in private grounds, the road through which had been recently graveled, and as I walked along it my eye was caught by an oval stone implement, about $3\frac{1}{4}$ inches long and $1\frac{1}{2}$ inch wide, so rudely chipped out as at first sight to make me half inclined to think that it belonged to the valley gravel or "paleolithic" period of Sir John Lubbock. On inquiry I found that the gravel amid which it lay had been procured from the shores of Lough Neagh, on which accordingly I searched for some time, but in vain, as on that occasion I did not succeed in finding any other worked flints.

Still I was satisfied that the shores of the lake ought to be productive of such antiquities, and accordingly when again in Ireland, in June 1861, I stayed for a short time at Lurgan on the south side of the lake, and examined the shore for some miles, and this time with much greater success. Besides about a dozen well-shaped flint flakes, I found a remarkably fine and well-chipped rhomboidal arrow or javelin head of grey slightly ochreous flint, $2\frac{5}{8}$ inches long and $1\frac{1}{8}$ inch broad at the widest part, which is about three-quarters of an inch from one end, so that the lozenge tapers much more at one end than at the other. Unlike many specimens of the same shape, it shows no signs of grinding or polishing on either face. I

found the greater number of these flint implements at a spot about two miles to the east of Lurgan, where the shore of the lake is of a peaty character, with a good deal of bog timber in it. I could not, however, determine whether there had ever been any crannoge or pile-building upon the spot.

I again visited the shores of Lough Neagh in company with the present Sir John Lubbock in September, 1861, this time at the point nearest to Belfast, but we found the waters so high that any search upon the shores was useless.

It was not until July, 1864, that I had again an opportunity of visiting Lough Neagh, and this time I determined to examine it on the northern side. I found that at Toome Bridge, where the river Bann flows out of the lake, there was a little inn, much frequented by fishermen, and it occurred to me that a part of the lake noted at the present time for its abundance of fish was likely to have been an equally favourite fishing station in earlier days, and that probably I should find upon its shores at that point some traces of early occupation. I was not aware at the time that in the Museum of the Royal Irish Academy are sixteen flint flakes * “found six feet under the present bed of the river Bann, lying with several others in one mass on the old or former gravel-bed of the river, not far from Toome Castle,” and that others had been collected by Mr. Charles S. Ottley, District Engineer to the drainage of Lough Neagh and the River Bann. Nor was I aware at the time, that in ^b May, 1862, Mr. R. S. Charnock, F.S.A. had exhibited and presented to this Society a celt of greenstone, found with many others, a large quantity of arrow-heads, and a canoe, in Lough Neagh, near Toome, some seven or eight years previously.

I was accompanied by Mr. Jennings of Cork, and fortunately found the water of the lake, owing to the summer drought, a little lower than usual, so that the search upon its shores could be commenced under favourable auspices. The lake at this part of its northern edge is very shallow, with the shores but slightly shelving, so that when the water is low a considerable tract of land is left dry, and the margin of the lake itself is so shallow, that even at the distance of 100 or 200 yards from the shore there is often not more than from 1 foot to 18 inches of water, so that to a person wading (as I did for many hours) the bottom is clearly visible.

The bottom consists of a hard peat with more or less sand and fine silt upon it, and as the peat is itself free from pebbles, all the stones upon it would appear to have been brought there either by the action of the lake itself (which might

* Wilde's Descriptive Catalogue Mus. R. I. A. p. 10.

^b Proc. Soc. Antiq. 2 Ser. ii. 119.

operate either by currents during storms, or by floating ice, or in other ways), or else by human agency. There appears to be no flint in the immediate neighbourhood, though it occurs at but a little distance off. My search on this occasion on the shores of the lake, and in the lake itself, was rewarded by the discovery of three stone hatchets of lapis Lydius and greenstone, whilst an Irishman with me found a fourth. Besides these, I found a very narrow leaf-shaped arrow-head of flint $1\frac{1}{2}$ inch long and $\frac{3}{8}$ inch wide at the broadest part, and I also brought away no less than 210 flint flakes, cores, &c. mostly of my own finding, as the result of a stay at the spot of less than twenty-four hours duration. Besides these, I found numerous specimens too fragmentary to be worth retaining. On some parts of the shore there were small patches of gravel, of which the greater number of the constituent pebbles were fragments of worked flint.

Of the character of the various stone implements found at Toome I will shortly speak; but before doing so I must mention that I returned to the spot in June, 1865, and during the few hours I spent there I found, with the help of three boys, no less than nineteen polished stone hatchets, some of them, it is true, in very imperfect condition, but others in a perfect state. I also found a very large number of worked flints. Owing to the water being lower than on previous occasions, I was able to extend my investigations further into the lake; but though I discovered so many traces of the occupation of man, I found no indisputable signs of pile-buildings. All the stone hatchets that I discovered were on the western side of the river Bann, and within half a mile of the point where it quits the lake. They have, however, as well as the worked flints, since that time, been found on the eastern side of the river; for, the attention of local collectors having been directed to the spot, the inhabitants have found it worth while to collect the antiquities with which the shores of the lake abound; and I believe that I am within the truth in saying that three or four hundred stone hatchets have now been discovered in the neighbourhood of Toome Bridge, and that the worked flints from that locality are to be numbered by thousands.* Some piles were also discovered in one part of the lake, but those which I had sent me had evidently been pointed with metal tools.

I will now proceed to a consideration of the implements discovered, so far as I have had an opportunity of examining them.

* Mr. Robert Day, jun. of Cork, who has more than once visited the spot, informs me that he has himself had upwards of 120 stone implements from Toome, and more than 2,000 flint-flakes, &c. I have myself had above 100 stone hatchets, and upwards of 1,000 flakes, &c.

The stone hatchets, or celts, as they are commonly called, have been made principally of the following materials: clay-slate, green-stone, lapis Lydius, serpentine, basalt, hornblende, schist, talcose slate, and various other metamorphic rocks. A few occur in flint.

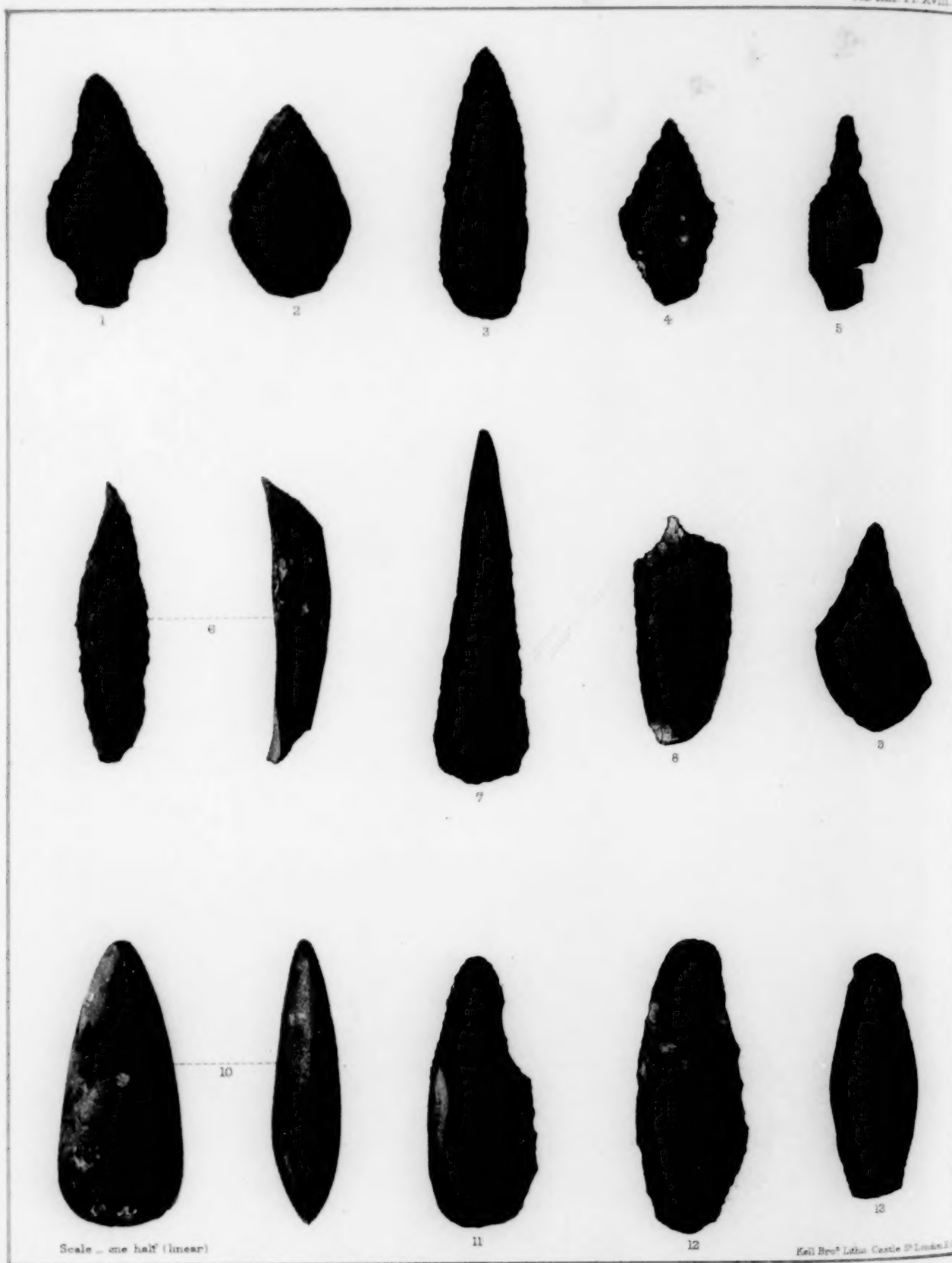
In form they vary considerably, as well as in size and in degree of finish. My largest specimen is $8\frac{1}{2}$ inches long, and $3\frac{3}{4}$ inches wide in the broadest part; the smallest 2 inches long and $\frac{7}{8}$ inch broad. All the forms shown on page 41 of Sir W. Wilde's Catalogue of the Museum of the Royal Irish Academy, might be matched; but beside these there are a few special forms on which a few words may be said.

First, there are a few which, instead of having the cutting edge only at one end, and that the broad end, are sharpened at both ends, and have the sides nearly parallel. One of these, in my own collection, is $5\frac{1}{2}$ inches long, 2 inches broad, and $1\frac{1}{4}$ inch thick in the middle, and has a cutting edge about $1\frac{3}{8}$ broad at one end and $1\frac{1}{4}$ inch at the other; it is formed of lapis Lydius, and is considerably more convex on one face than the other; the cutting edges are curved and both in one plane.

Another form is flat and straight on one side, and rounded and curved on the other. This however may be, in part, owing to the peculiarity of the stones from which the celts were made, advantage having been taken of a smooth side, left by the jointing of the rock. The irregular shape of some specimens is also probably due rather to the original form of the stones from which they were made, than to any particular design. I have one curious specimen however, of which the peculiar form seems intentional. It is not unlike Fig. 44 in Wilde's Catalogue, p. 42, but, instead of expanding on each side where the edge is formed, it does so only on one side, the other being slightly curved inwards instead of outwards. The butt-end is broken, but the implement is still 6 inches long; at the middle it is 2 inches wide and $1\frac{5}{8}$ inch thick, oval in section; at the edge it is $2\frac{3}{8}$ inch wide.

Some implements formed of a micaceous schistose rock have one or both sides formed by the natural joints, and the faces by the natural cleavage, the edges alone being ground. In one of them the edge is very oblique; and from the character of the material they would appear to have been instruments intended for use in the hand, rather than mounted as hatchets.

A hatchet, of the usual sub-triangular form (Pl. XVIII. No. 10), found by myself, presents a peculiarity in the method of grinding. It seems to have been originally of the usual section, equally convex on both sides, but subsequently to have been ground flatter, the convexity lengthwise being retained. Towards the



STONE IMPLEMENTS FROM LOUGH NEAGH.

Published by the Society of Antiquaries of London. 1888.

pointed end, the face of the stone has not only been ground flat, but even slightly hollowed. Others are merely flattened across. Some of the smallest specimens present also the peculiarity of having one of their faces ground flat crosswise and convex lengthwise. Hatchets with an oblique edge are not rare among them, and there are some which are ground hollow or gouge-like at the edge. The hatchets made of flint are rarer than those of other materials. I found one, however, $3\frac{1}{2}$ inches in length, and $1\frac{1}{4}$ inch in extreme breadth. It is symmetrically chipped out: thin, sharp at the sides, but ground only at the edge. There is a natural defect in the flint, which has occasioned half the edge to break away; and the wonder is, that so much pains should have been bestowed on such defective materials. Another good specimen in my collection is 6 inches long, and about 2 inches by 1 inch in extreme breadth and thickness. It is sharp at the sides, nearly pointed at the butt-end, and slightly curved at the cutting-end, where alone it shows traces of grinding, and those very faint.

The butt-end of a similar hatchet, which has been broken, has been re-touched at the broken part, so as to form a sort of drill or borer. (Pl. XVIII. No. 8.)

Besides these carefully-chipped hatchets, there are some roughly-worked implements which appear to have been destined for hatchets or picks. I have two such: one, 6 inches long, 2 inches wide, and $1\frac{1}{4}$ inch thick, nearly flat on one face, rounded at the ends and very roughly made; the other (Pl. XVIII. No. 12) presenting an elongated oval outline, $4\frac{1}{2}$ inches long, $1\frac{1}{2}$ inch wide, and $1\frac{1}{8}$ inch thick, much more convex on one face than the other, and nearly symmetrical in form.

There are some other forms which approximate to these, and which do not appear to have been intended for hatchets, neither can they well be regarded as having served as lance-heads. Such is the implement which I found in the gravel at Antrim, and another from Toome of more elongated form which appears to have been much battered at the angles on the faces and sides, but not at the ends. This implement is $3\frac{3}{4}$ inches long, nearly $1\frac{1}{2}$ inch wide in the middle, and barely 1 inch thick; it is more convex on one face than the other, and terminates in a rounded point at both ends.

Another form may have served as an adze or tomahawk. It is in outline a long oval, $3\frac{1}{4}$ inches long and $1\frac{3}{8}$ inch wide, with the natural crust of the flint at one end, and brought, by chipping, to a rounded cutting edge at the other. On one face it is convex all over, but on the other the thickness of the stone is reduced from about the middle of the blade towards the butt-end, so as to present an ogee contour when viewed edgewise. There is a class of flint hatchets found in England which are fashioned on much the same principle. They are rarely, if

ever, ground at the edge, but the edge is skilfully produced by the intersection of two lines of fracture. The curving inwards of one part of the blade is probably connected with the method of attachment to the handle.

Another form of implement would appear to have been a sort of pick, unless possibly it may be regarded as a lance-head. It is pointed at one end and rounded or obtuse at the other, almost triangular in section towards the point, slightly curved lengthwise, and more carefully worked on the rounded than on the hollow face. The specimen I have before me is $3\frac{3}{4}$ inches long and $1\frac{1}{4}$ inch wide in the broadest part. Another specimen blunter at the butt-end, and more rounded at the point, with less symmetrical outline, and altogether clumsier in make, is engraved in Plate XVIII. No. 11; it is $4\frac{1}{4}$ inches long and $1\frac{5}{8}$ inch wide at the butt.

A very rude implement of much the same general form, but larger and of much coarser work, is roughly triangular in its section throughout, about 6 inches long, and $1\frac{3}{4}$ inch broad in the middle. I can hardly pretend to suggest the purpose for which it was intended. I have, however, a much more neatly finished implement of the same general character, and found in the north of Ireland, which might serve as an effective spear-head, or as a pick for grubbing in the earth. I have implements of nearly similar form, but rather smaller, from Denmark, one of which I found myself.

Another series of implements belong to a class which I believe has not before been observed. They are usually from three to four inches long, extremely clumsy at the butt-end, and worked more or less roughly to a pyramidal or triangular point at the other. They appear to be adapted for holding in the hand, and the butt-end would seem to have been left heavy, in order to give an impetus to the blow given with the point; but it is hard to say for what purpose they were intended. That they had some special purpose is evident from so many of them being found, all presenting the same general characteristics. A tool of this class is shown in Pl. XVIII. No. 9.

I have one more finished tool belonging to the same class, but formed of hard black chert, which also was found at Toome, and presented to me by Mr. Robert Day, jun. of Cork. It is of triangular outline, about $5\frac{1}{2}$ inches long, and $1\frac{1}{2}$ inch broad at the base. At the middle it is an inch in thickness, but the butt-end has been reduced in thickness by the chert having been roughly chipped away. Towards the point one face is flat, the other considerably curved; the section is sub-triangular, becoming round near the point, and the greater part of the surface has been carefully ground after having been chipped into form. The implement

appears adapted for boring holes in leather or other soft substances, but such a purpose is of course purely conjectural. It is shown in Pl. XVIII. No. 7.

Of the so-called sling-stones a few have been found. I have one nearly circular about $2\frac{1}{2}$ inches in diameter, $\frac{3}{4}$ inch thick in the middle, and chipped to an edge nearly the whole way round. Others are of ruder make and thicker. I have also found a few quartz pebbles, which may not improbably have been used as hammer-stones.

By far the greater number of the flint objects found consist of flakes, and weapons and tools made from them. That many of these flakes were struck off upon the spot, is proved by the presence of numerous cores or nuclei. Of these I have several good examples, varying in length from $1\frac{1}{2}$ inch to 3 inches. Some of the flakes however run as much as $4\frac{1}{2}$ and 5 inches long. They occur of all sizes, long and short, narrow and broad, thick and thin, but do not require any particular description. Some of them have the edges chipped away in places, either intentionally or by wear in scraping some hard substance, such as bone or stone; a few of them, like Pl. XVIII. No. 5, have been chipped away on either side so as to form a long narrow point, such as could be used for boring or drilling. Other flakes again, more especially the very thick ones, have been chipped away at the two sides, leaving the flat face uninjured, until the flint has assumed a boat-shaped form, like Pl. XVIII. No. 6. The purpose of these scaphoid implements is at present unexplained.

Some few of the flakes have been chipped into a rounded outline at the ends or sides so as to form "scrapers," much like those in use among the Esquimaux for dressing skins at the present day, and like those found in such abundance in the cave deposits of the Reindeer period in the South of France.*

But by far the most common purpose to which the flakes have been applied is that of the formation of javelin or lance heads, of which there are at least three varieties.

In the first of these the flake has been chipped along both sides, and on either one or both faces throughout its entire length, so as to make it more pointed, and at the same time thicker in proportion to its width. The lance-heads of this class are usually from 3 to $4\frac{1}{2}$ inches long and about 1 inch broad. One of them is figured in Pl. XVIII. No. 3.

The second class are those which have a distinct tang or shaft. These are for the most part formed of broad flakes, the butt-end of which has been chipped away on either side, until it is reduced to about one-half of its previous width. The

* See Lartet and Christy's *Reliquiæ Aquitanicæ*, p. 14.

remainder of the flake is usually left in its original condition, though occasionally chipped at the point to render the weapon more symmetrical or effective. They are usually from $3\frac{1}{2}$ to $4\frac{1}{2}$ inches long, and about half as wide in their broadest part. The form is well known in Ireland, and a specimen is engraved in Wilde's Catalogue, p. 12, fig. 3. I have also given one in Pl. XVIII. No. 1.

The third variety is also formed from broad flakes, but instead of the butt-end being chipped into a decided shaft or tang, it has had its two sides chipped away at an angle to the base, so as to give the butt the form of three sides of a hexagon. See Pl. XVIII. No. 2. Where the form of the flake has been suitable, only one side has sometimes been chipped, and the chipping in different specimens has been by blows administered, in some cases only on the flat face of the flake, in others on the convex face, and in others again on both faces. In most cases, such flakes have been selected for these lance-heads as required no chipping at the point, but occasionally the points have been retouched, as in Pl. xviii. No. 4. The object in chipping away the sharp sides of the flake at the base would appear to be to prevent its cutting the cord by which it was attached to the shaft. Both flakes and lance-heads occur occasionally in lapis Lydius or black chert as well as in flint, and some few in metamorphic rocks. I have a specimen in lapis Lydius, the side edges of which have been blunted by grinding, and which has been ground to a sharp semi-circular edge at the point. It is engraved in Pl. XVIII. No. 13.

Such is a general description of the principal forms of stone implements which have been found on the shores of Lough Neagh, in the neighbourhood of Toome. I may add, that I last summer discovered a few flakes of similar character on the shores of Lough Kinale, at the junction of the counties of Longford, Westmeath, and Cavan; and that I have little doubt that a search, properly conducted, would prove nearly or quite as remunerative, in some others of the Irish lakes.

As to the causes why so large a number of stone implements should be found at this spot, I think that one reason, and that probably the most important, was the abundant means of subsistence that was to be procured in the lake and in the river flowing out of it, in the shape of fish. This, no doubt, would tend to make the district about Toome a favourite resort at all periods of Irish history; and if, as seems not improbable, one method of catching the fish was by spearing, we may have a clue to the large number of lance or javelin-heads that have been discovered. Even the flakes might have been utilised in a similar manner, and it will be remembered that the specimens in the Royal Irish Academy were found in the river Bann, and not in the lake. I believe that several of the specimens

lately found have also occurred along the course of the river. This river, to use the words of Camden, as translated by Philemon Holland, "carrying a proud streame, entreth into the sea, breeding salmons in abundance, above every other river in all Europe;" and to the present day it sustains its repute. Lough Neagh itself, or as Camden calls it Lough Eaugh (or Lough Sidney, as the soldiers of that time termed it in honour of Henry Sidney), is also said to be "a goodly and beautiful lake, passing fishful."

We have then here, it seems, a cause why Toome, where the river Bann flows out of Lough Neagh, should at all times have been a favourite resort for man; and the question remains for consideration as to the date at which the men lived who made and lost these stone implements. I am inclined to think that the period over which their use extended must have been a lengthened one, or the implements could not have accumulated in such large numbers; but at how remote a date the occupation of that part of Ireland by a people making use of these rude stone implements commenced, and to how late a date they still continued to be in use, and whether all the stone hatchets and the flint flakes belong to one and the same period, are questions not easily solved. The finding of the flint flakes 6 feet under the present bed of the river Bann affords no certain clue even as to the antiquity of those particular specimens; the levels of different parts of a river bed being so readily and frequently changed by the action of the stream when flooded. At the same time, the fact of the implements being found lying upon the surface of the peat is no evidence of their being of modern date, as a deposit seems to be forming on the peat, and not improbably its upper surface is to some little extent being dissolved away. There appear, therefore, no valid grounds for disagreeing with those who, arguing from the analogy of the implements with those discovered in other countries, would assign to them a high degree of antiquity; but I think that on the other hand we must take into account the circumstances of the country and of the district in which they were found, before we can pronounce with absolute certainty that none of them are to be assigned to a much more modern period than we are accustomed to associate with the use of stone implements within the United Kingdom.

In the first place it is to be borne in mind that we have no conclusive evidence that those who made use of these weapons and tools were unacquainted with the use of metal. We have, however, in England ample evidence from barrows, of the continuance in use of stone-hatchets, arrow-heads, &c. after bronze had been introduced for daggers and other cutting instruments; and while metals

^a Ireland, p. 114, ed. 1637.

were scarce and costly the use of stone might linger on in poor districts long after it had been superseded in the richer and more prosperous parts of the country. And, again, supposing metal and stone to have been in use together, by a given people, at a given time, we can readily understand the use of the one for objects easily lost and easily made, while the other was carefully treasured, so that the soil which was occupied by this people should be replete with remains of their stone tools and weapons, while containing hardly a trace of those in metal.

Let us now look at what was the condition of this part of Ireland less than three centuries ago. We find from Camden that the Bann, on leaving the lake at Toome Castle, was beset and shadowed along the sides with woods, and passed by Glen Colkein, where by reason of thick woods and impassable bogs there was the safest place of refuge for the Scotch islanders and rebels; which the English felt who pursued Surley Boy when he lurked there;—further, that these Scottish islanders, to save charges at home, flocked every year in summer-time out of those hungry and barren islands where there was nothing but beggary, to get their living in this part of Ireland. We gather, in fact, that this Glen Colkein, or the valley of the Bann, was one of the strongholds of the wild Irish, and the still more degraded Scottish islanders.

Let us now cast a glance at the manners and customs of the wild or “meere” Irish, as portrayed by Fynes Moryson,^a from personal experience in Ireland, about the year 1600.

Even at Cork he saw young maids stark naked, grinding corn with certain stones to make cakes thereof. But this was in a civilised part of the island. The “meere” Irish did not often eat any bread at all, though they grew a few oats, which they did not thrash, but burned from the straw, and so made cakes thereof. As to flesh, this they seethed with the entrails of beasts, unwashed, lapped in a raw cow-hide, and so set over the fire. Horses dying of themselves afforded delicate morsels. Many ate no flesh but that which died of disease or otherwise of itself, neither could it scape them for stinking. They willingly ate the herb shamrock, which, as they ran and were chased to and fro, they snatched like beasts out of the ditches. Like the Assinaboins^b of North America, and other savage stone-boiling tribes, they warmed the milk for drinking with a stone first cast into the fire. They had no tables, but set their meat on a bundle of grass, and used the same grass for napkins to wipe their hands. They slept under the

^a Itinerary, part iii. p. 156, *et seqq.*

^b Tylor's Early History of Mankind, 262.

canopy of heaven, or in a poor house of clay, or in a cabin made of the boughs of trees and covered with turf, for such were the dwellings of the very lords among them. As to dress, in many parts the men, as well as women, went naked in very winter time, except a rag of linen about the loins and a loose mantle on their bodies; so as, says Moryson, it would turn a man's stomach to see an old woman in the morning, before breakfast. At night they lay naked in a circle about the fire with their feet towards it, folding their heads and upper parts in their woollen mantles, first steeped in water, to keep them warm. Spoons they had no need for, but swords they seem to have had, which they girt to them by a withe instead of a girdle.

I omit some other details; but the picture given above, making every allowance for over-colouring from prejudice, points to a stage of civilization among the inhabitants of many parts of Ireland, including that now under consideration, three centuries ago, which, to say the least of it, is by no means inconsistent with an extensive use of the readiest materials which came to hand, such as bone, wood, and stone for most of such simple implements and weapons for the chase as might be required, rather than that of metal, which was not readily accessible, or only to be procured by commerce or barter.

It must, however, be acknowledged that the presence of such numbers of polished stone hatchets among the other stone implements and weapons affords a very strong argument against these objects belonging to a comparatively modern period, however barbarous may have been the manners and customs of the time in certain districts; for we can hardly suppose that those who had once become acquainted with the advantages afforded by steel axes would have bestowed the amount of pains necessary for the fabrication of such very inefficient substitutes as these of stone, instead of by some means, fair or foul, procuring the more serviceable instruments, even had they made use of the readily manufactured flint lance-heads for pointing their weapons of the chase. There have, moreover, been found on the shores of Lough Neagh, at Toome, several iron or steel axe-heads, which, judging from their form, are of considerable antiquity, and which, from the reason above adduced, must in all probability belong to a period far more recent than do the stone hatchets found associated with them on the shore of the lake. If, therefore, we are compelled to draw a broad line of distinction between the age of the iron and the stone hatchets, it seems most reasonable to extend it also to the other objects in stone, and to refer them also to an age long prior to that of iron.

It will be perceived that I by no means desire that the observations I have

made as to the method of life and degree of civilisation of the "meere" Irish of the days of Elizabeth should be understood as implying a belief that the stone implements I have been describing do not date back to a period far more remote than three centuries ago. I have simply given them partly as a historical sketch suggested by the locality of the discovery, partly to show the difficulties that sometimes surround such questions of date, and to exhibit the arguments which may be adduced in opposition to the views most generally held by archæologists, and partly to suggest that extreme caution must be exercised before pronouncing that an implement found within the United Kingdom is of necessity of extreme antiquity, simply because it happens to be of stone, and without regard to the circumstances and locality of its discovery. Until, however, we have a greater number of facts at our command in connection with the discovery of stone implements, arms, and utensils in Ireland, I think it the safest plan, while placing on record the character of these discoveries in Lough Neagh, to abstain from expressing any too decided opinion as to the degree of antiquity which is to be attributed to the implements which I have described.

XXI.—*An Account of Researches in an Anglo-Saxon Cemetery at Stowting, in Kent, during the Autumn of 1866. By JOHN BRENT, Esq., F.S.A., Local Secretary for Kent.*

Read January 10th, 1867.

The "Old English," or Anglo-Saxon, Cemetery at Stowting had not, I believe, been systematically explored until the close of the year 1866; yet its existence was rendered probable by the discovery of antiquities about twenty-two years since, when the road abutting on the ground was lowered by the parish authorities.

A full account was given in a Paper communicated to the *Archæologia*, vol. xxxi. by Mr. C. Roach Smith, of the relics then accidentally exhumed, and the Rev. Frederick Wrench, Rector of Stowting, gave a further account of the same, in a little work he published in 1845. About thirty skeletons were said to have been found, and amongst remains interesting to the antiquary were several swords of the usual type, beads of glass, clay, and amber, umbones, iron spear-heads, bronze buckles, knives, pottery, and three or four fibulæ. Several of these objects are in the cabinet of Mr. Wrench; others having passed into unknown hands have been dispersed, and probably for the most part are now lost. Amongst them there was, I understand, a fine silver brooch, set with coloured stones or glass. Three or four circular fibulæ are contained in Mr. Wrench's collection, of the usual patterns: one is a large and elegant specimen. Also, a silver wire ring or ear-ring, bronze buckles and tags, Roman coins, and a small piece of money plated with gold. This little coin is probably Merovingian, and, if so, is another proof of the Frankish element introduced into these and similar interments; gold coins of Clothaire having been found at Sarr, and one, if not two, complete specimens of the iron weapon or spear, the Angon of Agathias, as described by Mr. Akerman, in the *Archæologia*, vol. xxxvi.

In the researches which I have made, and which the Society of Antiquaries have honoured me by adopting, I have found during the past autumn twenty-five graves, which, as one contained two, another three, and another six or seven skeletons, would give thirty-four interments.

The soil was not unfavourable to the proceedings. The graves had been cut into a chalk stratum. The cemetery was in a field which had been used for

agricultural purposes from time immemorial, and of which the upper soil varied in depth from nine inches to two feet. The graves were rudely formed and in an uneven manner, very different from the clean-cut graves I had found at Sarr. Their irregularity may however be traced in some degree to the nature of the chalk, which was stratified, or ran in blocks, often misleading me as to the shape and extent of the graves.

The direction of the interments varied. In one instance they crossed. The prevailing direction was east to west, or north-west to south-east. Some, however, lay north and south, or nearly so. These were (with exceptions) the most interesting to the antiquary. The orientation of skeletons in the so-called Pagan-Saxon graves is remarkable. The Rev. Bryan Faussett found it almost general in the cemeteries of Gilton, Chartham, Kingston, Bishopstone, Sibertswold, and Barfreton. At Crundale the graves where cremation had not been practised pointed with the feet to the west. At Sarr, the graves lay east and west, or nearly so; a few only were found varying a point or two. Douglas, in the "*Nenia*," describes some Anglo-Saxon graves with the head to the north. Mr. Wright, I think, mentions graves at Bishopsbourne similarly placed.

All labour of trenching the ground at Stowting was saved by the use of an iron spear. This instrument, except in a few instances where the chalk ran uneven, or holes had been made into it at some period, rarely misled.

The excavations commenced on the eighth of last October, 1866 :—

Grave 1. It yielded a skeleton lying north and south. A very irregular interment about two feet deep. It produced a knife, similar in type to those found in the Jutish graves of East Kent; also a fragment of glass, the fractures apparently being fresh. No other remains were found, although particular search was made. The fragment of glass is something like the neck of a scent-bottle, and has three spiral cords of yellow beading running round it.

No. 2. North-west by south-east. From this grave we recovered a massive bronze buckle near the waist of the skeleton; beside it was an ox tooth. I mention this because I found similar objects in several of the graves at Stowting. They were almost always single, and thus seemed to me to be deposited in conformity with some rite or usage to us unknown.

No. 3. North-west by south-east. Nearly three-and-a-half feet deep. No remains but the skeleton; the teeth much ground down.

No. 4. A rudely-executed interment, lying nearly east and west, and about four feet deep. By the right knee lay the iron ferule of a spear, a bronze buckle, and a small bronze key of the pattern usually considered Roman. Close



Herbert L. Smith delt et fecit.

ANGLO-SAXON REMAINS FROM STOWTING.

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by was a small tubular piece of bronze, which might have formed the binding to the edges of a strap or belt. A bronze tag, in length two-and-a-half inches, lay close beside it. It had been in contact with some iron object, and a piece of wood, perhaps portions of a box lined with thin bronze platings. A short knife, of peculiar form, in a wooden sheath, lay beside the buckle. Close to the skull, by the right ear, was an iron-socketed spear-head, about twelve inches long; and just beyond it, touched by the spear, a small black earthen vessel filled to the brim with clear water. Slabs of chalk had been placed around it on three sides, and a piece of chalk above it, so that it was protected from the soil falling into it. It almost touched the skull. Probably, the water had percolated through the chalk, and drop by drop flowed over as it fell in; for the sides of the vessel were moist and bright.

No. 5. North-west by south-east.—It contained three interments. At the feet of an adult skeleton, to the left, lay the bones of a child. Near the knees was a wire ring or armlet, with a sort of slip-knot, perhaps the usual suspension ring for keys. At the left side of the larger skeleton was a fine pair of bronze tweezers, two-and-a-half inches in length; also a knife. By the shoulder of the third skeleton, another knife, an amber bead, and a minute fragment of some bronze ornament; also, a bronze buckle without the pin, and the tooth of an ox.

No. 6. No relics for the antiquary.

No. 7. Nothing.

No. 8. A knife-blade only. North-west by south-east.

No. 9. A narrow grave, nine feet long, four feet deep, irregularly made, and slightly curved, lying north and south. At the waist were five bronze tags. A small saucer-shaped bronze fibula with a rude design of a face in the centre. (Plate XIX. fig. 4.) This type of fibula is rather rare for Kent. Similar ornaments were found by Mr. Akerman at Harnham Hill (*Archæologia*, vol. xxxv.), and belong also to the northern tribes who settled in Berkshire, Oxfordshire, and Gloucestershire. The rude face has a brotherhood amongst certain Scandinavian designs. By the left side of the skeleton lay a cruciform fibula (fig. 1); also, a small circular fibula set with garnets. Another fibula, rather larger, with garnets or sliced glass, unfortunately broken. A bronze girdle ornament (fig. 2), bronze rings, belonging most likely to iron keys, which I could rarely ever get out whole, here or at Sarr. Two iron handles, which had been attached probably to a box or coffer; a knife; a long bronze bodkin or stiletto; a fragment of a bodkin or small instrument's case, about twenty-four beads, one a large amber discoid bead. Around the skull was found gold wire

braid, weight 1 dwt. 14 gr. A few small amber beads lay near it, but whether they were woven into the hair with the braid, or merely scattered at the interment, I must not venture to decide. Besides the above were found an ornamented stud-head and two small Roman coins; one, a Constantine, being perforated for suspension. Ten inches at least beyond the skull, protected by slabs of chalk carefully placed around and above it, was a wooden stoup, bound with ornamental bronze hoops or bands. We may compare it with the Fairford and other stoups found in this country and on the continent.

The wood as shown by the grain is, as I am informed, pine. Its peculiarity is its fine state of preservation. The height of this little vessel is four and three-quarter inches, diameter four and a half inches. The handle is a thin arc of brass, fastened by a pin or stud at each end of the metal brim.

It has not the peculiar ornament noted beneath the handles of the Fairford bucket. It would scarcely hold, I think, a pint of mead, or any liquor Scandinavia or her gods delighted in; yet it is a neat little object, and has some ornament on the bright brass bands that surround it.

No. 10. East and west.—A bronze buckle, studs, and a small knife. The femur of the skeleton in this grave measured twenty-one inches less one-eighth.

No. 11. Two interments, the bones in the upper one lying east and west; under it a skeleton lying north and south on its right side, and much contracted or doubled up. A single clay bead and a small piece of bronze plating were the only relics of the upper skeleton. At the feet of the lower was a black earthen vessel, but of too friable a nature to be removed otherwise than piecemeal. Also, a bronze buckle without the pin.

No. 12. Nearly north and south.—Depth of the grave four feet nine inches. The head and shoulders were placed in a recess. At the waist lay the common iron knife, a bronze ring or buckle, a large circular ornament in bronze (fig. 12), with a design in the centre, like the Arabic numeral 3; probably it appertained to the girdle. Beside it were two flat bronze rings about two inches in diameter, to which wood or iron was partially attached.

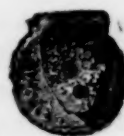
Beads were found near the neck, amongst which was a long black glass bugle, a triple bead, and seven amber beads.

No. 13. East and west.—A very irregular grave. The skeleton, lying on its side, was that of an old person; no relics.

No. 14. East and west.—Irregular grave, two feet deep only. By the right side was a small spear-head or spiculum; just below it, two very small bronze studs, a knife, and the tooth of an ox.

No. 15. North and south.—Eight large beads by the left hand (figs. 7, 8, 9), pieces of iron, and fragments of bronze tubing, portions perhaps of a needle or a stiletto case.

No. 16. East and west.—A very shallow grave; the skull scarcely twelve inches under the surface; the feet more depressed. A glass bead lay by the right ear; lower down, a bronze buckle (fig. 10), and a little bronze holder for a coin, with a coin suspended. (*See woodcut*).



There is a medal of Constantine (and the Stowting example seems to be of this Emperor's reign), with a loop for suspension, in the Museum of the Royal Irish Academy. The presence of Roman coins in Anglo-Saxon Graves, often found near the head and neck, has induced some antiquaries to consider that the Northern nations adopted the custom, in imitation of the Roman practice, in which a coin was often placed in the deceased person's mouth as an offering to Charon, a sort of passage money. Mr. Akerman has given an instance ("Proceedings," May 1865) of a coin found in the mouth of a Saxon skeleton, the jaw being stained with the green erugo of the bronze. He hints that coins of the Emperor Constantine, on account of their frequent occurrence in Pagan graves, might be the "classical pagan *viaticum*." I must remark, however, that the third-brass of Constantine is in some places exceedingly common. At Canterbury it represents one half of the small Roman pieces found there.

No. 17. North and south.—Bones of a young person; no antiquities.

No. 18. East and west.—A shallow grave. Two beads only, an iron key, fragments of keys, and an iron knife.

No. 19. North and south.—Three-and-a-half feet deep. Seven beads, a knife, and fragments of keys.

No. 20. East and west.—Shallow grave. A knife and broken keys, an iron buckle by the waist. Also, a black earthen vessel, crushed apparently by the plough; it lay close to the surface. Also, a small fragment of black glass.

No. 21. This was a remarkable grave, or rather vault. It contained six skeletons, all lying nearly north and south. It was of a circular shape, nearly nine feet in diameter, and from four feet six inches to four feet eight inches in depth. As it was the lowest down the field, it had probably been somewhat increased in depth by the washing down of the soil from the upper part of the ground, as well as by the action of the implements of agriculture. The skeletons lay all on the same level. The skull of the second touched the left shoulder of the first, and the skull of the third the left shoulder of the second. The skulls of

the other four were parallel with the shoulder of the second interment. The feet were curved round, and nearly altogether, corresponding in some degree with the circular wall of the grave. The interments lay so close together that there was great difficulty in distinguishing the special relics of each. There were four or five necklaces of beads, comprising about one hundred beads. One or two of the necklaces consisted almost solely of small double and triple beads and bugles. Two of the necklaces, as well as I could note, were composed of the larger beads. They lay near the breasts and necks.

Amongst the first articles taken out were the beads and fragmentary keys; two spindle-whorls; a bronze bodkin (unfortunately lost); a bronze girdle ornament (fig. 3), of a pattern I never before met with; a fibula of very archaic shape, and of a type also unknown to me (fig. 5);^a solid bronze rings; two iron rings; two Roman coins (Dioclesian and Constantine), and a second and a third brass. Near these was a segment of ivory or of bone, perforated, and a purple bone-counter or button.

Leftwards to the third or fourth skeleton lay a small rude glass circular fibula. A fibula, set with twelve garnets, divided by thin partitions of silver (fig. 6). It has a solid silver back. I found at Sarr one much resembling it. I took out, further, a very small circular fibula faced with garnets; another rather larger, with three garnets, slightly damaged; also, two small bronze circular fibulae; a fine cruciform fibula, three inches and a quarter long, set with three garnets (fig. 13). Besides the above was a spiral silver ring found encircling a finger-bone. It was unfortunately broken. A pair of iron tweezers and iron buckle, four iron knives and a bronze buckle, bronze suspension rings, one having a buckle attached, a bronze ring or ring fibula, and bronze tag, were also found (fig. 11).

A bronze wire ring was taken out in fragments.

Amongst the beads in this collection are two large blue-ribbed earthenware beads, commonly assigned to a Roman origin.^b I do not see why they may not be attributed to the same mechanics or workmen who wrought the other beads. Amongst these, are large and small amber beads, several glass beads, some peculiar for their very large bores, double and triple beads, and black bugles, the whole forming an interesting collection.

No. 22. East and west.—A very shallow grave. Nothing but a black earthen vessel too friable to be removed.

^a It is possible this may be an ornament once attached to horse trappings.

^b Similar beads have been found at Faversham, Sibertswold, and Barfreston, in Anglo-Saxon graves.

No. 23. East and west.—Adjoining the last. A very shallow grave; no remains but a black earthen vessel in fragments, probably crushed by the plough. This remark applies to the skulls, which in two or three instances, where the upper soil was scarcely nine inches deep, had met with a similar fate.

No. 24. East and west.—A shallow grave. It produced a few beads and a bronze stiletto.

No. 25. East and west.—A small irregular grave. The head had been placed on a ledge of chalk. I found only a small bronze buckle by the neck. The teeth were those of an aged person, and much decayed.

I venture a few remarks upon Grave 21.

I have found nothing like it in any previous researches. Its circular form as a Jutish or Anglo-Saxon grave is remarkable, and I believe without example.

We may well wonder what common calamity consigned these Anglo-Saxon ladies to the same grave and at the same time, for there was nothing in the construction of the vault to lead us to assume that the bodies could be deposited at any lengthened intervals of time.

At Bishopsbourne, Mr. Thomas Wright and others opened a tumulus which contained six skeletons; no relics, however, were found but a small knife and pieces of iron. At Sarr were several double interments. The first grave I opened contained two skeletons, the feet of one touching the head of another. In this case possibly one grave had run into another.

Anglo-Saxon graves containing more than one occupant are generally found to be unproductive; such at least has been my experience, except in the case of a grave at Sarr, wherein two old men, warriors, were buried one above another. One corpse had evidently been covered in before the other was interred. The grave was abundant in weapons, and produced a sword, three spears, a large axe, a long knife, umbones, and a sort of iron palstab.

Celtic tumuli, I need scarcely add, frequently contain a plurality of interments. At Exton Hill, Mr. Bateman opened one wherein were seven skeletons, the centre interment being surrounded by six others. Mr. Warne, in his "*Celtic Tumuli of Dorset*," gives an example at Dewlish of urns and skeletons placed one above another.

Mr. Thomas Wright, in his work "*The Celt, Roman and Saxon*," mentions an interment at Ozengall which contained a male and female; and another in which were deposited three skeletons, which, as he observed, might be those of husband, wife, and child, victims perhaps to some Danish invasion, yet rescued to be interred in the grave-yard of their countrymen, or subjects of some desolating pestilence. Nevertheless, No. 21 at Stowting is an extraordinary example, par-

ticularly from the fact of the similarity of the condition of the deceased, and their ornaments or relics. The perforated bone object found in the same grave resembles a similar relic from Long Wittenham, discovered by Mr. Akerman,^a in 1860, in connection with spindle-whorls, as at Stowting, and confirms the opinion of that antiquary that it had some reference to the distaff. Professor Owen, Mr. Akerman informs us, considered the relic in question formed from the antler of a deer;^b an object similar, but still more imperfect, was found at Starr, yet not one spindle-whorl appeared in all the 272 graves opened at that place.

At the period when the cemetery at Stowting was in use there was probably a population scattered through the valley immediately beneath it. At Brabourne Lees and on Stowting Common similar interments have been found. The practice of these Jutes, Anglo-Saxon or Old English—the latter term appearing to me to be the most appropriate—was to bury their dead at some distance from their settlements. Hence, we find their graves on lone hill-sides or open commons, on the “dounes,” as at Sarr, Adisham, Barham, Ileden, Kingston, Chartham, and other places in East Kent.

It is remarkable, however, that no cemeteries have ever been found belonging to certain localities where a numerous Anglo-Saxon population must have been located. Thus the neighbourhood of Canterbury has yielded only a few isolated relics. The same remarks apply to Reculver, Sandwich, and Richborough, unless we are to consider Gilton and Ash as belonging to the latter stations. Ashford and Dover have yielded but few Anglo-Saxon remains.

Are the burial-grounds of Reculver or Canterbury, where the Anglo-Saxon kings in Pagan times held court in rude magnificence, and attracted a considerable population, yet to be discovered? Or are we to assume that Chartham or Barham Downs, or, in the case of Reculver, that Hoath or Bromfield, were the localities to which the dead, borne for miles over the country, were finally consigned? and that Ozengall, Minster, or Sarr, represent the ancient burial-places of such inhabitants as might have once been settled in the Isle of Thanet?

The distance in most cases would be considerable, and the corpse must have been borne in cars, carriages, or by some other conveyance.

What, then, was the mode of Anglo-Saxon burial? and to what uses were those extraordinary objects called “clinch-bolts” adapted?

At Stowting not one of those implements turned up. At Sarr I found them

^a Mr. Akerman had previously found a similar object at Wingham, and Mr. Neville at Little Wilbraham.

^b *Archæologia*, vol. xxxix. p. 140.

in twenty graves and more. Some authorities have considered them to be the iron rivets of long shields? My opinion is, they are the iron bolts of biers or stretchers upon which the dead were laid or borne. We have no proof that long shields were used by the people whose interments we have been describing; on the contrary, their shields were circular, with an iron umbo or boss in the centre, and with iron bands; very like, in fact, one species of circular fibula, with its centre hemisphere of ivory or stone, and the slices of glass or garnet which adorned its field.

The diameter of these shields is about eighteen inches. We have, then, everything which would constitute their entirety but the wood or leather which formed their discs, for even the impression of a circular shield was seen for a few moments at Sarr on the floor of a grave where it had lain. Nothing, I think, corresponding to these clinch-bolts could apply to the Anglo-Saxon shield? Indeed, if so, they ought always to be found with the umbones and smaller bolts and plates belonging to such shields; but this is not the case.

In one grave at Sarr more than seventy of these objects were found; wood adhered to their entire length, between the nuts or screws. The weight alone of such a mass of iron would refute the idea they constituted part of a shield.

The Rev. Bryan Faussett, in upwards of 800 graves in East Kent, described in the "*Inventorium Sepulchrale*," has referred directly or indirectly to what he considered the evidences of the existence of coffins in 413 graves out of that number. There has never, however, appeared to be sufficient remains of wood, or wood ash, to prove to me in any way that coffins were used in the cemeteries of Sarr or Stowting.

The Anglo-Saxon sword, found in 27 graves at Sarr, lay generally by the left side, often touching the bones. It crossed occasionally over the knees to the right. The umbo, evidence of the shield, was often on the breast, but by no means generally so placed. As a rule, the spear-head lay by the right shoulder or ear; the ferule on the same side; frequently at the right foot.

All these articles, from the level they occupied, seemed as if primarily placed in contact with the corpse. If a coffin existed, and such objects were placed upon it, or beside it, this would hardly be their position. They could not be placed within the coffin, at least I think the shield could not, unless the coffin had no lid. The presumption is, that no coffins were used, at least not at Sarr. No remains of any were found, although occasionally a fragment of wood, or wood ash, appeared. In a few instances only, there was evidence of poles of wood, bars, or planks, placed at each side of the corpse, but, as there was no appearance

of wood in the centre of the grave, I presume those remains were rather the evidences of a stretcher than of a coffin.

In the former case, canvass or linen might have been used as a support for the body, it being attached to the poles or bars by the clinch-bolts.

The corpse of the Anglo-Saxon, clothed in some fashion, either in a shroud or in the habiliments of the deceased, was taken from the carriage or stretcher, or the stretcher was lowered into the grave.

I am certainly of an opinion that a bier or stretcher was sometimes placed in the grave and left there. In the latter case, the grave must have been considerably longer than the body, so as to have allowed room for the projecting handles. At Sarr, graves were found seven, eight, and in some few instances ten, feet long; but I am not prepared to say that clinch-bolts were found in these graves always, nor in these graves only.

In a few instances, the floors of the interments were strewn with the turf or sod cut from the upper soil, as I have frequently detected the remains of decayed vegetable fibre under circumstances which appeared to favour this supposition.

The body, in many cases, was accompanied by some weapon, implement, relic, or trinket. Thus the lady had her jewels and beads; and every woman almost had her keys, or rather her bunch of keys, and a knife. A vessel of glass or pottery, or of metal, or of metal and wood combined, was placed sometimes at the head, and occasionally at the feet, of the deceased.

Was this practice, in deference to the lingering rites of cremation, an imitation of those Roman burials, constantly exhibiting their evidences in the soil around? or did it arise from some conventional idea, that in these receptacles food or liquor must be stored to minister to the wants of the deceased?

We hesitate to reply. The Abbé Haignère,^a in his description of the sepulchres of Erchinghen, near Boulogne, alludes to a practice in France, as far back as the 12th century, of placing a vase of holy water in the grave. "That which we call holy water," continues the Abbé, "existed, in virtue of primitive tradition, under the term of *eau lustrale*."

The fashion of the pottery in the graves was various. Sometimes it took the shape of the modern squat beer-jug, with handles, as in two specimens found at Sarr. By the side of one of these objects was placed a pillared glass vessel. Sometimes we find an elegantly-shaped long-necked vessel; sometimes a small open-mouthed one, of the coarsest materials. Certain glass vessels, as the one from Grave 4 at Sarr, slight in fabric, thin as note-paper, and of most elegant

^a Congrès Archéologique de France, 27 Sess. à Dunkerque.

form, with little drops, like tears, suspended externally on slender lines, seem made especially for sepulchral purposes, and placed in the graves of the influential and well-endowed.

In respect of weapons, we find the arms of adult males of all sorts in these burials.

Mr. Akerman^a describes a spear-head, reversed,—a symbolism, he thinks, of the profession of the deceased—a boy priest, who had embraced Christianity; a stoup, on which were engraved Christian devices, having been placed by his side.

Amongst incongruous things taken from these “Old English” graves I may mention horse-trappings¹, and iron bits², little bronze weights and scales³, an iron bell, dice⁴, counters⁵, a door-lock⁶, children’s metal toys⁷, a jeweller’s crucible⁸, or iron casting-pot⁹, the iron horns of a bow¹⁰, spindle-whorls¹¹, a mirror¹², girdle ornaments¹³, a coin suspender¹⁴, a fork¹⁵, hair-pins¹⁶, toilet implements, golden bracteates and braid¹⁷, combs¹⁸; lastly, a crystal ball¹⁹, suspended in laps of silver, and a silver strainer²⁰ washed with gold and set with garnets, perforated in the centre with five holes: Douglas would have considered the last enumerated objects as pointing to some magical rites; and I am not at all assured that in so doing he would be wrong.

Fragile articles, especially glass and pottery, were often carefully protected from the weight of the external soil. The stoup and black earthen vessel now exhibited are examples; and a glass vessel found at Sarr was placed in a little recess cut into the chalk at the head of the grave. Wooden boxes, bound and plated with bronze, some having iron handles, were often used for the protection of small and delicate articles, although few remains of such articles are found, except such portions of them as came in contact with metal. Metal, especially bronze, acts as a preservative to wood and bone. I have found bones in immediate contact with it perfectly sound when the skeleton otherwise was completely gone.

Probably there was some rite or feast or ceremony at burials dedicated to the people whose remains I have been describing; some procession undoubtedly following the deceased warrior, in which his sword, his shield, and his spear were borne, whilst his horse and his slave, as described by Tacitus, followed also—one, or both, amongst certain European nations, to be slain at the obsequies.

^a *Archæologia*, xxxviii. p. 335.

¹ Faversham.

² Kingston Down.

³ Gilton.

⁴ Harnham.

⁵ Sarr.

⁶ Stowting.

⁷ Brighthampton.

⁸ Ozengall.

Homer's description of the funerals of Hector and Patroclus, although unhistorical, carry a certain evidence about them that they represented the practices of a period with which he was acquainted, and describe the obsequies of great men and kings. The two ceremonies alluded to differ in some respects, as though the poet made a distinction between Grecian and Trojan rites.

Achilles lays his own yellow locks on the hand of his dead friend ere the pyre is lighted, and sacrifices human victims amongst dogs and horses. The burnt bones first quenched with wine are collected into a golden urn, and the feast and games are held on the spot.

A golden casket incloses also the ashes of Hector, but the mourners adjourn to feast in the royal palace of Troy. The dead body, previous to cremation, is overspread with shawls of purple dyes. A grave is cut in the soil; the remains are covered with masses of stone, and a vast tumulus is reared—

Such were the rites to glorious Hector paid.^a

No such ceremonies as these were attached to our rude old English forefathers that we know of, although Scandinavia has her traditions how grandly some of the old sea-kings were buried. Nevertheless, of rites, ceremonies, or feasts, there are certain vague hints scattered in the graves I have been describing.

There is the singular deposit of an ox's tooth found in the graves at Stowting; more frequently too ashes of burnt wood, a clinker or a coal-ash,—evidences perhaps of some funeral repast, in the presence of the dead, before the earth was shovelled in.

In a Roman sepulchral vault, formed of massive timber and planks, and brought to light by a railway cutting five-and-twenty feet below the surface of the soil, I found oxen teeth under the lowest urn of the interment. I found them also at Sarr, with mussel and oyster shells, some of the latter being unopened, that is, with the valves in position.

Neither at Stowting nor at Sarr were there any evidences of tumuli. The removal of soil and the interment of a body, as in our church-yards, would naturally produce an agger, and, from the even appearance of the upper soil and the propinquity of some of the graves, I am inclined to think no artificial barrow had been raised. Yet, as the cemeteries both of Sarr and Stowting have been for years under the plough, it would be rash to pronounce a decided opinion.

To Mr. J. B. Sheppard of Canterbury I owe the complete state in which the Anglo-Saxon stoup appears, and the means he adopted for its preservation.

I cannot conclude without expressing my obligation to the occupier of the land, Mr. Newington, and to Mr. Thomas Burch, his neighbour.

^a Earl Derby's Homer.

XXII.—*On the Castra of the Littus Saxonicum, and particularly the Castrum of Othona.* By THOMAS LEWIN, Esq., M.A., F.S.A.

Read June 20th, 1867.

THE *castra* of the *Littus Saxonicum* were nine in number, and are thus catalogued in the *Notitia*, the military survey made of the Roman empire in the last stage of its existence :

1. Branodunum or Brancaster.
2. Garianonum or Burgh Castle.
3. Regulbium or Reculver.
4. Rutupiæ or Richborough.
5. Dubræ or Dover.
6. Lemanæ or Lymne.
7. Anderida or Pevensey.
8. Portus Adurni or Bramber Castle.
9. Othona.

In discussing the subject of the *castra* I propose to follow the course which my own mind took during the investigation. The first question then I asked myself was this, As the *castra* were certainly Roman works, and therefore constructed during the sway of the Romans in Britain, what was the terminus *a quo* and terminus *ad quem* of the Roman dominion? I had no hesitation as to the commencement of the period, as Aulus Plautius, who first established a footing in Britain, transported his legions thither in A.D. 42.* But with respect to the close of their dominion I was more at fault. The monastic fables of Gildas, Nennius, and Bede caused me embarrassment; but at length I stumbled upon a contemporary Greek historian, Zosimus, and found myself upon *terra firma*. In A. D. 407, Constantine III. proclaimed himself Emperor in Britain, and passing into Gaul carried with him the strength of the Roman army. In A. D. 408, Constantine sent his son Constans with the flower of the troops into Spain; and in A. D. 409, when Gaul and Britain were both denuded of their usual garrisons, Gaul was overrun by a host of barbarians, Vandals, Alani, and Suevi, who crossed the Rhine; and simultaneously with this movement Britain shook off the Roman yoke and

* See Lewin's *Fasti Sacri*, p. 274, No. 1641.

declared its independence.^a Procopius incidentally informs us that the Romans were never afterwards able to recover possession of Britain,^b and this is confirmed by the singular fact that coins of the Roman Emperors have been discovered in Britain until Constantine III. inclusive, but the series reaches no further, a convincing proof that with him the Roman domination ceased. So sensible was Honorius himself, the Emperor of the West, of his inability to maintain Britain as part and parcel of the Empire, that, instead of threatening the rebellious province with vengeance, he sent letters to the chief municipal cities that henceforth they must look to their own safety.^c Thus in A. D. 409, after a *rule of just 367 years*, the Romans abandoned the island, which thenceforth, until the arrival of the Saxons about half a century later, was a miserable wreck held in piecemeal by domineering municipalities or by ambitious chieftains, aptly designated by Procopius in the passage already referred to as "Tyrants."

I had next to satisfy myself to what particular period during this dominion these *castra* were assignable, and upon inquiry I found them distributable into two distinct classes, viz. 1, those built to suppress internal rebellion, or to keep open the communication with the continent; and, 2, those erected with a view to meet any sudden invasion from a piratical enemy. Of the former class were the *castra* at Richborough, Dover, and Reculver, and of the latter class were those at Brancaster, Burgh Castle, Lymne, Pevensey, Bramber Castle, and Othona. As to the *castra* erected without reference to piratical invasion, I have been able to collect but few data. Aulus Plautius, who was the first to establish himself in Britain, is said to have planted a garrison amongst the Dobuni, which was probably at Corinium or Cirencester, so called from the river Corin or Chirn, which flows by it into the Isis.^d His successor, Publius Ostorius Scapula, formed a

^a "ἐφ' ᾧ Γερόντιος ἀχθόμενος, καὶ τοὺς ἀντόθι περιποιησάμενος στρατιώτας, ἐπανίστησι Κωνσταντίνῳ τοὺς ἐν Κελτοῖς βαρβάρους· πρὸς οὓς οὐκ ἀντισχὼν ὁ Κωνσταντίνος, ἅτε δὴ τοῦ πλείονος τῆς δυνάμεως μέρος ὄντος ἐν Ἰβηρίᾳ, πάντα κατ' ἐξουσίαν ἐπιόντες οἱ ὑπὲρ τὸν Ῥῆνον βάρβαροι, κατέστησαν εἰς ἀνάγκην τοὺς τε ἐν Βρεττανικῇ νήσῳ οἰκοῦντας, καὶ τῶν ἐν Κελτοῖς ἐθνῶν ἕνια, τῆς Ῥωμαίων ἀρχῆς ἀποστήναι, καὶ καθ' ἑαυτὸν βιοτεύειν, οὐκέτι τοῖς τούτων ἐπακούοντα νόμοις. "Οἱ τε οὖν ἐκ τῆς Βρεττανίας ὅπλα ἐνδύντες, καὶ σφῶν αὐτῶν προκινδυνεύσαντες, ἡλευθέρωσαν τῶν ἐπικειμένων βαρβάρων τὰς πόλεις."—Zosim. lib. vi. c. 5.

^b "Βρεττανία δὲ ἡ νῆσος Ῥωμαίων ἀπέστη. . . . Βρεττανίαν μέντοι Ῥωμαῖοι ἀνασώσασθαι οὐκέτι ἔσχον· ἄλλ' ὄνσα ὑπὸ Τυράννοις ἀπ' αὐτοῦ ἔμενε."—Procop. Bell. Vand. i. 2.

^c "Ὁνωρίου δὲ γράμμασι πρὸς τὰς ἐν Βρεττανίᾳ χρησαμένου πόλεις φυλάττεσθαι παραγγέλλουσι," κ.τ.λ.—Zosim. lib. vi. c. 10.

^d "Κάνταῦθα (inter Bodunos) φρουρὰν καταλιπών."—Dion. lx. 20.

chain of *castra* along the banks of the Severn and its tributary the Avon, which rivers were at that time the boundaries of the Roman province westward.^a Aulus Didius, the next Proprætor or Legate of Britain, is said to have pushed a few castles forward, which were evidently in the interior *and not on the coast*.^b At the time of the insurrection under Boadicea, A. D. 61, the Romans were in possession of a number of garrison camps and castles dispersed about the country,^c but the colony planted at Camulodunum or Colchester was as yet unprotected by walls or ramparts.^d The Proprætor or Legate who most devoted himself to fortification was Vettius Bolanus, who was sent to Britain by Vitellius in A. D. 69. The province was then nearly drained of troops to assist Vitellius in the struggle for the Imperial purple on the continent, and Bolanus was obliged to secure himself as well as he could in Britain by strengthening the military defences. This fact we learn from a passing allusion of Statius in his panegyric on Crispinus the son of Vettius Bolanus.

Behold yon watch-towers that invade the sky,
The castled camps that lift their heads on high,
With trenches deep like yawning gulphs below !
All these, Crispinus, to thy sire we owe !^e

We may be certain that the *castra* at Richborough, Dover, and Reculver, so aptly described in these lines, were at least in existence within forty years after the Roman invasion under Aulus Plautius ; but I think we may fairly assume, from the necessity of the case, that these *castra*, probably the first erected by the Romans, had been constructed some time previously.

As to the other class of *castra*, viz. those which were designed exclusively to counteract piratical invasion, the dearth of authentic information is truly surprising. Britain appears from the very earliest times to have been exposed to hostile irruptions from the continent. Long before Cæsar, and therefore long before the

^a "Cunctosque castris ad Auvonam et Sabrinam fluvios (Ostorius) cohibere parat."—Tac. Ann. xii. 31.

^b "Præfectum castrorum et legionarias cohortes, exstruendis apud Siluras præsiidiis relictas, (Silures) circumfundunt."—*Ibid.* 38.

^c "Paucis admodum castellis in ulteriora promotis."—Tac. Agric. 14.

^d "Sparsos per *castella* milites (Britanni) consecrati, expugnatis præsiidiis, ipsam coloniam invasere."—*Ibid.* 16.

^e "Nec arduum videbatur excindere coloniam nullis munimentis septam, quod ducibus nostris parum provisum erat, dum amenitati prius quam usui consulitur."—Tac. Ann. xiv. 31.

" . . . vigiles speculas, castellaque longe

Adspicis ? Ille dedit, cinxitque hæc moenia fossa."

Stat. Sylv. lib. v. Ad Crispinum, v. 145.

commencement of the Christian era, the Cwmri from the Cimbric Chersonese had obliged the Celtæ, the aborigines of the island, to retire northward, and then the Belgæ, from the opposite coast of Gaul, had possessed themselves of the southern parts of the island, and driven the Cwmri into the more mountainous parts of the west. The culminating influence of the Roman power put an end for many centuries to these inroads, but when Roman ascendancy was on the decline, and the Empire was so enfeebled that all its remaining strength was drawn towards Italy, so that there was a want of circulation at the extremities, the Saxon hordes again issued forth, and overran Gaul by land, and Britain from the sea. The general name for these marauders was *Saxons*, the dominant race, but the term comprised not only the Saxons proper, but the Franks, Alani, Suevi, Vandals, and other swarms from the German hive. After no little research I have not succeeded in finding any exact notice of these piratical descents upon Britain until the time of Diocletian. In A.D. 286, Maximian, who had been associated as the colleague of Diocletian in the Empire, was engaged in clearing Gaul from a host of barbarians who had crossed the Rhine and plundered the province. The Saxons at the same time committed dreadful ravages upon the coasts of Britain, and Carausius, a Menapian from the banks of the Rhine, who had distinguished himself by brilliant services during the campaign in Gaul, was appointed admiral of the Roman fleet to repress the continental buccaneers. Carausius was a man of consummate talents, but wholly unprincipled, and, instead of shutting up the Saxons in their native woods, and sealing the outlets of their ports, he purposely allowed them to land on the island and plunder the inhabitants, and then lay in wait for them on their return, and seizing the booty poured it into his own coffers. This scandalous conduct reached the ears of Maximian, and Carausius, to avoid the punishment he had so richly merited, seduced the allegiance of the fleet, and sailing with it to Britain, took possession of the province and declared himself Emperor.^a Carausius maintained his independence for seven years, when in A.D. 293 he was slain by Allectus,^b who was afterwards slain in his turn; and in A.D. 296 the island again became a member of the Roman Empire.^c

In A. D. 358, in the reign of Constantius, the Saxons made a great naval expedition down the Rhine, and spread themselves like an army of locusts over the

^a Eutrop. ix. 21. Aurel. Vict. de Cæs. c. 39.

^b Aurel. Vict. de Cæs. c. 39.

^c Eutrop. ix. 22.

Roman provinces on the continent,^a and there can be little doubt that at this period the Saxons were equally active across the seas, though the fact is not recorded in history.

We pass on to the reign of Valentinian I. in the latter half of the fourth century, when Saxons, Picts, and Scots all infested the south of Britain from different quarters.^b In A.D. 368 Valentinian was in Gaul when the mournful intelligence was brought that the Saxons had made a successful descent upon Britain, and that Nectaridus, the Count of "the *maritime tract*," had been slain, and that Fullofaudes the commander had been circumvented in an ambush.^c Here for the first time we have mention made of the count of the *tractus maritimus*, afterwards more commonly called the *Littus Saxonicum*, and the circumstance that such an officer now existed and had the charge of the coast shows that an organised system of defence was now at least in operation. The Count had troops under his command to meet any hostile attack from the sea, and as these troops were from the nature of the case posted at great distances from each other, they must for security have occupied regularly intrenched camps. The *castra* of the Saxon shore were thus certainly in existence in the reign of Valentinian I. and some of them, perhaps, were first erected by him. We know that he established a line of castles along the banks of the Rhine for the purpose of checking the incursions of the Saxons on the continent,^d and a similar policy was adopted in Britain.

On receipt of the news of these disasters Valentinian I. sent over Severus, and then Jovinus, but neither of them was equal to the occasion, and then necessity brought forward an officer of acknowledged ability and long experience, Theodosius, the father of the Emperor.^e He sailed from Boulogne, and, landing at Richborough, marched to London, cut off the predatory bands by piecemeal, and, in the course of that and the following year (A.D. 368—369), cleared the province of every foe, and re-established the Roman ascendancy.^f

The poet Claudian, but whose panegyric on Theodosius's victories must be received *cum grano*, speaks of the Orcades as reeking at this time with the blood of the Saxons, and Thule with the blood of the Picts, and Ireland as bending in

^a Zosim. iii. 1 and 6.

^b Amm. Marcell. xxvi. 4. Claudian. iv. Consul. Honor. sub initio.

^c "Nectaridumque Comitem maritimi tractus occisum, et Fullofaudem ducem hostium insidiis circumventum."—Amm. Marc. xxvii. 8, s. 1.

^d *Ibid.* xxviii. 2, 1.

^e *Ibid.* xxvii. 8, 1.

^f *Ibid.* xxvii. 8, 6; xxviii. 3, 1.

grief over heaps of the Scots, who it thus appears occupied not only Scotland but also great part of Ireland.^a

At the close of A.D. 369 Theodosius was recalled to the continent; but before he quitted the island it is expressly stated that he "*restored* the cities and garrison camps (*præsidaria castra*), and guarded the borders of the province by planting watches and outposts."^b From the passing allusion to the *castra præsidaria* it is a common opinion that Theodosius was the first to erect the *castra* of the Saxon shore; but we have seen that they must have existed at a much earlier period, and it is observable that the historian does not say that Theodosius *built*, but that he *restored* the *castra*. The natural supposition is that the barbarians who had overrun the island before the arrival of Theodosius had not only slain the Count of the Saxon shore and captured the Roman commander, but had carried the Roman intrenchments and dismantled the fortifications, and that Theodosius now repaired the breaches, and again placed the island in a state of security against the predatory incursions to which it had been recently exposed.

From the reign of Valentinian I. we advance to the reign of Valentinian II. At this period Britain was again reduced to the utmost extremities, and was like a carcass upon which were collected the vultures from the four quarters of heaven. The Saxons invaded from the east and south, the Picts from the north, and the Scots of Ireland from the west. But once again the country was saved by the military hero of the age, the famous Stilicho. It is uncertain in what year he was in Britain, but probably about A.D. 380. Whenever it was, he carried all before him, swept the swarm of barbarians from the province, and restored it to a state of security. From the allusion of the poet to the safety of the sea-coast from Saxon invasion, it may be collected that Stilicho also bestowed particular pains upon the *castra* of the Saxon shore.^c About a quarter of a century after

^a " Maduerunt Saxone fuso
Orcades: incaluit Pictorum sanguine Thule:
Scotorum cumulos flevit glacialis Ierne."—Claud. iv. Consul. Hon. v. 31.

^b "Instaurabat urbes et præsidaria, ut diximus, castra limitesque vigiliis tuebatur et prætenturis."—Amm. Marc. xxviii. 3, 7.

^c "Me quoque vicinis pereuntem gentibus, inquit (Britannia)
Me iuvat Stilicho, totam cum Scotus Iernen
Movit, et infesto spumavit remige Tethys.
Illius effectum curis, ne tela timerem
Scotica, ne Pictum tremere, ne littore toto
Prospicerem dubiis venturum Saxona ventis."—Claud. Laud. Stil. lib. ii. v. 250.

this, in A.D. 409, the Romans finally abandoned Britain; and not long after came the Saxon deluge.

These are the only details that history has preserved respecting the *castra* for checking piratical invasion, and if I were asked to fix a precise date for the time of their erection I should name A.D. 289, in the reign of Carausius. The Saxon inroads had then been at their height for some years, and Carausius, at open war with the legitimate emperors of Rome, had to fortify the coast line against both Saxons and Romans. What more likely than that he should have provided for the safety of himself and his kingdom by a connected line of garrison camps? If this be so, the period during which these *castra* of the *Littus Saxonicum* flourished was from A.D. 289 to A.D. 409, or just 120 years.

The monkish legends require to be noticed only to be thrown aside. Our earliest native historian Gildas, who wrote A.D. 560, tells us that when the Romans bade adieu to the island, they erected, as memorials of their good will, a wall across the island from sea to sea against the northern barbarians, and towers at intervals along the southern coast against the buccaneers;^a and this account is reiterated in almost the same words by Bede, who wrote about the commencement of the eighth century,^b and Henry of Huntingdon, who wrote in the twelfth century.^c But how is it possible that when Rome was in its last agonies, and every soldier was needed to defend the heart of the empire in Italy, she could, as an act of mere generosity, have constructed such stupendous works at the very extremity of the world as a wall from sea to sea, and the *castra* of the *Littus Saxonicum*? We know, indeed, that the *wall* was built ages before, and we have satisfactory evidence that the *castra* also existed at the time of Theodosius, the father of the emperor, if not long previously. The fact is, that the wall and the *castra* were left by the Romans at their departure, and were used by the Britons for their protection, and thence the tradition amongst an illiterate people, who could not trace the fortifications further back, that the Romans, unable to guard the island themselves, had placed the province in the best state of security that circumstances would permit. The legend of the monks is utterly inconsistent with the testimony of Zosimus, the contemporary historian, who tells us (and he cannot be mistaken) that the Romans did not take a friendly farewell, but that when the

^a "Murum . . . tramite a mari usque ad mare inter urbes, quæ ibidem forte ob metum hostium collocatæ fuerant, directo librant . . . in littore quoque oceani ad meridianam plagam, quâ naves eorum habebantur, et inde barbariæ feræ bestię timebantur, turres per intervalla ad prospectum maris collocant; valedicunt tanquam non reversuri."—Gildas Hist. c. 18.

^b Bedæ Chronic. et Hist. lib. i. c. 12.

^c Henric. Huntind. Hist. lib. i.

Roman eagles had been withdrawn by Constantine III. the Britons rebelled, and forcibly ejected the Roman remnant.

With these introductory remarks I proceed to some account of the *castra* of the *Littus Saxonicum* in detail.

1. Branodunum or Brancaster, at the very extremity of Norfolk toward the north, stands to the west of the town of Brancaster, on the north side of the road to Burnham. It is of an oblong or rectangular shape, the longer side being from east to west. It is now a complete ruin, and may contain about eight acres. The walls, of which some portion remains on the north side, were nine feet thick. The *castrum* is placed as usual on a rising ground at the head of the sea-marshes, and commands an extensive view. The fosse is still traceable in many parts, and Roman pottery and coins have from time to time been turned up, but not in the same abundance as in most of the other *castra*. The name of Branodunum is thought by the best authorities to mean Crow-down, from the Celtic *bran*, a crow, and *dun*, a down.

Here was stationed a body of Dalmatian horse. As this was the most remote of the line of posts, a troop of cavalry was no doubt quartered here, as the most easily disposable force for succour at a distance.* It is quite a mistake to suppose that the Roman *castra* were all occupied by Roman legionaries; with one exception they were all held by mercenaries drawn from foreign nations, more distinguished for their warlike propensities and courage than for their progress in civilisation. At Richborough alone was there a legion, viz. the Second, which seems to have been quartered there during nearly the whole period of the Roman domination.

2. The next *castrum* to the south after Brancaster was *Garianonum* or Burgh Castle, near Yarmouth. This admirable specimen of a Roman *castrum*, standing by itself remote from human habitation, has suffered little from spoliation by the hand of man, though time through so long a period has done its usual work. It is now fortunately secure from depredation, as many years since it was purchased by and still belongs to one of our most honoured Fellows, Sir J. P. Boileau, Bart. It is through his kindness that I have been enabled to examine the *castrum*, and from him I have derived a great part of the following particulars. *Garianonum* was no doubt so called from the river which in ancient as in modern times was known as the Yare, but, as the Romans did not use the letter Y as a consonant, the Yare in Latin became the *Garyenus*. The same phenomenon

* Blomefield's Norfolk.

appears in Greek also, as Ptolemy calls it the *Γαλιέννος*. *Garianonum* however, near the confluence of the Yare and the Waveney, is really not on the Yare, but on the eastern bank of the latter. It crowns a cliff which rises abruptly from the marshy flat of the river to a height of some forty feet, and the bank slopes at about an angle of 45°. The interior is, as usual, a ploughed field girt in by a wall fourteen feet high and nine feet thick on the north and east and south sides; but on the west, where is a rapid fall of the ground, there is no trace of a wall, and I believe there never was one. It was the custom of the Romans, as at Richborough and Lymne, to pitch the *castrum* if they could where there was a natural defence at least on one side, and thus to save some part of the expense of fortification. The present owner some time ago was at the cost of cutting a trench athwart the western side, to ascertain if any wall there had ever existed; nothing however was found but a sort of paved terrace or platform below, either for a promenade of pleasure or a wharf for landing goods. The river, which is now at some little distance, was then an estuary washing the very foot of the hill. There can be no doubt that the sea at one time covered all the area between Burgh Castle on the south and Caistor on the north, for in the marshes between the two shores have been frequently discovered anchors and rings, and other pieces of iron, which could have been of no use but for maritime purposes.

That a wall never ran along the south side of the *castrum* is obvious to the observer, for the precipitous bank is continued onward both north and south, and is covered with brushwood, so that no great change can have taken place, and yet, while the western side of the *castrum* is exactly even with the bank right and left, not a fragment or symptom of a wall can be discovered either above or below, or on the slope itself. It is further remarkable that the eastern wall is 214 yards, and the two side walls are just one half, or 107 yards each,* so that apparently the original proportions remain, and the western portion has not been reduced by the wear and tear of ages. The walls are constructed of unhewn stones, with a treble row of bond-tiles at intervals; and six or seven rows are still preserved. The tiles are, singularly enough, of precisely the dimensions recommended by Pliny, viz. 1½ foot long, 1 foot broad, and 1½ inch thick.^b At about the middle of the north side was a round tower, and a similar one about the middle of the south side, and at the north-east and south-east corners are also towers; but these corner towers, though built of similar materials to the main wall, are apparently an afterthought, for they are not interlaced with the wall itself, but are adjuncts to it, and by the

* Grose's *Antiq.* and Ives's *Remarks upon the Garianonum of the Romans*. Yarmouth, 1803, p. 22.

^b For an exact description of the foundations as examined by an architect, see Knight's "Old London."

effect of time have become partially detached from it. At the tops of the corner towers are round holes 2 feet deep and 2 feet in diameter, the use of which is uncertain, but they were perhaps for hoisting flags, or fixing wooden watch-towers, or semaphores for making signals to the camps at Caistor or Norwich, the *Venta Icenorum*. The area within and exclusive of the walls is computed at 4 A. 2 R. and (the walls included) at 5 A. 2 R. 20 P.^a and at about the middle of the west side, towards the river, is a deep and wide hollow or fall of the ground down to the marsh. I am informed that this opening is not natural, but has been caused by constant excavation for carting away the soil, but it is not unlikely that there was always here a descent to the level below, and connected with the terrace or wharf to which allusion has been already made. At the south-west corner within the *castrum* is a raised platform surrounded by a *vallum* sunk eight feet below the general level. This is commonly supposed to be the site of the *prætorium*,^b but as there is a similar *vallum* within the *castrum* of Anderida, and which was clearly made by the Normans to defend a castle, it is not impossible that the *vallum* at Burgh may have been also the work of a later age for the security of some smaller fort within it.

Originally the *castrum* was surrounded by a trench, but at present it is traceable only on the north side. The burial-ground and also the *ustrina* or dust-hole were in the field on the eastern side, where numerous urns and broken pottery, &c. have been constantly exhumed.^c The coins which have been found are of course extremely numerous, and reach from Domitian in almost an unbroken series to the latest Roman Emperors, but not beyond Constantine the *third*, during whose usurpation the Britons shook off the Roman yoke.

Most of these coins are of brass, but some also of silver and gold have been found.^d Sir J. P. Boileau possesses an extensive collection of these coins, but an accident has rendered them comparatively useless. They were kept in a bag by themselves, and the coins collected from other parts in other bags, and each bag was duly labelled; but, in the absence of the owner, the coins from all the bags were poured out indiscriminately on the table, and now form a confused mass, and historically have lost their value.

Burgh Castle, like Branodunum, was the station of a body of foreign cavalry, viz. the Stablesian horse. I know not whence these came unless from the *Stabulenses* or people of *Stabula*, in Germany, conjectured to be the modern *Stoffelsfelden*.^e

In the time of the Saxons and about A. D. 636 Burgh Castle was devoted to a

^a Ives, p. 39.

^b Ives, p. 24.

^c Ives, p. 35.

^d Ives, p. 30.

^e See Wesseling, Anton. Itin. *sub voce* "stabulis."

monastery. Sigebert, fifth king of the East Angles, on his return from France, to which he had been banished by Erpenwald his predecessor, brought Christianity back with him, and appointed Felix Bishop of Dunwich, now swallowed up by the sea. Felix employed Fursæus, an Irish monk, to aid in the labour of conversion of the East Angles, and Fursæus and his followers found a safe asylum from the assaults of heathenism within the walls of the old Roman *castrum*, where they established a monastery;^a but history, which has recorded the commencement, has passed over in silence the end of this ecclesiastical refuge.^b

3. The three next *castra* of the *Littus Saxonicum*, viz. Regulbium or Reculver, Rutupiae or Richborough, and Lemanæ or Stutfall, have been admirably described by Mr. C. Roach Smith, to whom I am indebted for a great part of the following particulars:

Regulbium or Reculver was seated on a little projecting headland, which on the north overlooked the Thames, and on the east and south the Wansum or channel which separated the Isle of Thanet from the mainland. The incroachments of the tide on the north are most remarkable. In Leland's time, in the reign of Henry VIII. the *castrum* is described as "within a quarter of a mile, or a little more, of the seaside." About 150 years later, in 1685, an old map still represents the *castrum* as entire, and gives a space about the breadth of a road between it and the sea.^c A century later (1780—1790) the north wall of the *castrum* had been overthrown by a fall of the cliff.^d In 1805, between the church, which occupies a central position, and the cliff, a carriage could pass; and in 1809, from the church to the cliff was an interval of five yards only.^e Thus, in 250 years the sea had washed away more than a quarter of a mile of the coast; and if we reckon backward to the middle of the first century, when the Romans first established themselves in Britain, the waste of the coast at the same rate would amount to a mile and three quarters.* The two sister towers of Reculver

^a Bede, iii. c. 19.

^b Upon the balk of a kitchen in a small farm-house in the parish is cut an inscription, which Ives has figured on a plate dedicated to the Society of Antiquaries, no doubt as a puzzle upon which they might exercise their ingenuity. He reads it thus: "Bis acuad atin denuo reedificatur—Twyce brent aforne is bylt agenn bi Robir Thorne the Parson, 1348—62." The words "acuad atin" evidently signify burnt before, but how this meaning can be extracted from any Latin words bearing the slightest resemblance to them exceeds my understanding. Ives, p. 49.

^c See C. Roach Smith's Reculver, p. 192.

^d *Ibid.* p. 194.

^e On the Norfolk coast at Bacton it appears that the land is washed away at the rate of at least 90 yards in 35 years, which would amount to between two and three miles since the Christian era. (See *Athenæum* for 6 April, 1867, No. 2058, p. 455.) The wear on the Norfolk coast would of course be greater than in the estuary of the Thames.

church have for ages been a well-known sea-mark to mariners, and this circumstance has saved the remnant of the *castrum*, which in the ordinary course would by this time have been entirely swept away; but in 1810 a paved break-water was formed at the foot of the cliff, which now effectually checks any further inroad. When I was there on April 2nd, 1866, the bones of the dead were projecting confusedly from the cliff, and some had fallen out and were lying below.

The changes on the eastern side are of a character still more extraordinary. When the *castrum* was built the sea flowed as a broad estuary from Reculver to Richborough, and the Isle of Thanet was an island in reality and not in name only. Fleets sailed, at least at high water, along the strait, and so avoided the delay and danger of doubling the North Foreland. The earliest notice of this inlet is to be found in Solinus, who flourished about 1800 years ago, and he speaks of the Isle of Thanet as divided from the mainland of Britain at that time by a narrow estuary.^a In the time of the Saxons it was called the Wansum; and Bede, who wrote at the commencement of the eighth century, describes it as of the breadth of three furlongs, with a ferry in two places only.^b These two ferries are referred to in a charter of Eadbert, King of Kent, and are placed at Sarr and Sandwich.^c The mouth of the estuary at Reculver was called by the Saxons Nordmutha, and in A.D. 1050 the Saxon Chronicle speaks of a fleet as lying within the Nordmutha,^d and two years after this, viz. in A.D. 1052, Harold, with all his ships, sailed from Sandwich by this channel to Nordmutha.^e And so late as the fourteenth century, viz. A.D. 1313, the monks of St. Augustin at Canterbury claimed "wreccum maris in maneriis suis de Menstre, Chistelet, et Stodmersch," all which manors were in the flats of the Wansum.^f

The question constantly recurs, How is it that estuaries in the course of a few centuries become filled up? A phenomenon observed by me at Reculver will

^a "Adtanatos insula adspiratur freto Gallico, a Britanniae continente aestuario tenui separata."—Solin. Polyhist. c. 22. How can this be reconciled with the tradition that the Goodwin Sands were once part of the mainland?

^b "Est autem ad orientalem Cantiae plagam Tanatos insula non modica . . . quam a continenti terrâ secernit fluvius Vantsumu qui est latitudinis circiter trium stadiorum et duobus tantum in locis est transmeabilis."—Bede, Hist. lib. i. c. 25.

^c "Donare decreveram . . . duarum navium transvectionis censum qui etiam nostri juris erat in loco cujus vocabulum est ad Serræ [Sarr] . . . sicut à regibus Merciorum Æthilbaldo . . . et rege Offan longe ante concessum est tributum in loco cujus vocabulum est Lundenuic [Sandwich]."—Historia Mon. S. Aug. Cant. London, 1858, p. 322.

^d Saxon Chron. Mon. Hist. Brit: p. 440.

^e *Ibid.* p. 449.

^f Thorn, (*apud* Twysden,) 2015.

serve to explain this. The strong foundations of the walls that surrounded the *castrum* must unquestionably have been laid at least a foot *below* the surface. At present the lowest stratum of the wall is from two to three feet *above* the surface of the ground about it, so that since the erection of the *castrum* more than a yard in depth of the soil upon this eminence has been washed away in the course of 1800 years. This is not a solitary case, but all the hills which shut in the Wansum have suffered more or less in the same way; and if we consider the mass of material thus stripped off the hills and poured into the valley, we shall cease to wonder how it is that the surface of the valley has been raised to its present height. In an estuary like the Wansum the action of the sea is also to be taken into consideration, for in this part of the coast the tide is clogged with a quantity of silt, which settles and is deposited as soon as the water is quiescent. Thus, while earthy matter is poured down from the hills a body of silt is brought up by the sea. The scour of the water keeps open a channel in the lowest part, but the rest of the valley gradually rises until it reaches nearly high-water mark, and then the industry of man steps in and excludes the tide by embankment. Even where the sea has no access a valley naturally rises. The rains fall, and the earthy matter descends from the hills, and the stream brings down a further contribution. The valley below becomes flooded, and a deposit rapidly goes on, except in the main channel where the scour is, and at length a level plain appears intersected by a central river.

The *castrum* of Reculver occupies about eight acres if we include the walls, and about seven acres if we regard the interior only. The walls are 12 feet high on the exterior, and 11 or 12 feet thick, and those on the east and south and partly also on the west still remain. The principal and indeed the only gate appears to have been on the west, in which direction lay the town of Reculver. There are several singularities about this *castrum* which are not found in others. Thus there are no traces of any towers or of any bonding tiles, or of any pounded brick in the mortar. The whole structure is composed of flints and pebbles cemented together, and, contrary to the natural supposition, the lowest pebbles are at the base. The *castrum* was occupied by a cohort of *Vetasii* or *Betasii*, a people of Brabant.

In the time of the Saxons it became (like Burgh Castle) the seat of a monastery, as appears from various charters commencing with one from King Ecbyrht, dated A.D. 669.*

* C. Roach Smith's *Reculver*, p. 221.

4. Rutupinæ or Richborough stood on the brow of a cliff or headland overhanging the river Stour, and before it on the north was spread out the marshland between Sandwich and the Isle of Thanet. Reculver commanded the northern mouth of the Wansum, as Richborough did the southern. There can be no doubt that in Roman times Richborough was one of the most frequented ports; vessels there unloaded and received their cargoes, and many of them passed onward along the Wansum into the Thames. At the foot of the hill on which the *castrum* is erected, and a little to the north of the *castrum*, has been discovered a wharf four feet high, of brickwork, and triangular in form, with the apex towards the marsh. This was no doubt the quay or landing-place, or one of the landing-places, for the supply of the *castrum* and the commerce of the town.^a The trade passed up the channel of the river Stour to Richborough, as now in diminutive proportions to Sandwich, but the *terra firma* which is now under cultivation was then, at least at high water, covered by the tide. This conversion of sea into land is, as we have seen, not owing to any retreat of the sea, or to any upheaving of the land itself, but to the simple causes already adverted to, viz. the wash of the soil from the adjoining hills into the low ground, and the deportation of soil from the inland regions by the action of the river, and partly also by the deposit of the silt brought up from the sea by the tide. The rate of the growth of soil may be tested in some degree by the diggings about Richborough. It is well known that the Richborough oyster was peculiarly prized by the Romans.

. Circeis nata forent, an
 Lucrinum ad saxum, Rutupinove edita fundo
 Ostrea, callebat primo deprendere morsu.
 Juvenal, iv. 140.

About the *castrum* are found in abundance the shells which the Roman gourmands have bequeathed to posterity, and in the marshes, at the depth of from four to six feet, are exhumed the oyster beds which about 1800 years ago supplied the Roman tables; such, therefore, had been the accretion of soil from the first century of Christ to the reclamation of the marsh, an interval of about 1000 years.

Richborough was the most important of all the *castra*, and the only one which was the station of a Roman legion, the Second. In contradiction to our own system the legions were continued for ages in their original quarters. During the whole period of the Roman domination the Second legion never moved from Richborough. Not only was there a numerous soldiery within the *castrum*, but

^a C. Roach Smith's Reculver, p. 53.

the population of the neighbourhood must have been very considerable, for to the south-west of the *castrum* has been discovered an amphitheatre 68 yards by 70. The seats, indeed, have disappeared, but the configuration of the theatre can still be distinctly traced.^a

Richborough maintained its consequence during the whole period of the Roman rule, for coins of all the emperors, from the first to the last, are constantly brought to light from the area of the *castrum* and its vicinity. On the retreat of the Romans in A.D. 409 the *castrum* passed into the hands of the Saxons, and their coins have also been found. When Kent became Christian, the asylum of religion in an age of violence was naturally within the strongest rampart, and in the *castrum* of Rutupiæ, as at Burgh Castle, Reculver, and Othona, was probably erected one of the first Christian edifices in Kent. Mention is made of Richborough Chapel in a very ancient document,^b and the foundations of a building in the form of a cross may still be traced in the area of the *castrum*.^c

5. *Lemanæ* comes next under our notice. There is some uncertainty as to the nominative case of this word, but, as in the Antonine Itinerary and the *Notitia*, the places are mentioned as a general rule in the ablative case, and this town is expressed by the word *Lemanis*, there is little doubt that the name was *Lemanæ*. The etymology is involved in equal obscurity. As Stone Street led from Canterbury to Lymne, it has been ingeniously suggested that *Lemanæ* is to be derived from the two Celtic words, *lle*, a road, and *maen*, a stone. But *lle* is not properly a road but merely a place; and besides the name of Lymne is probably much more ancient than the dominion of the Romans, by whom Stone Street was constructed. I should surmise that the word *Lemanæ* is rather to be traced to the river *Lemanus*, afterwards called the Rother, which in prehistoric times flowed at the foot of Lymne hill, and discharged itself into the sea at Hythe. The river *Lemanus* again was so called from the marsh through which it flowed, and the Celtic word for a marsh still exists in *Leman*, the name for the Lake of Geneva, and in the Greek *λίμνη*, and the Latin *limus*.

The *castrum* at *Lemanæ* resembled that at Richborough in its position on a cliff which overlooked an extensive marsh, but there was this distinction between the two, that Richborough was on the crown of the hill and *Lemanæ* on the slope. Richborough is still erect; but the *Castrum Lemanense*, from the soluble nature of the soil, has become so dislocated from repeated landslips that no one, to judge from the surface, could determine its original form. It has been ascertained

^a C. Roach Smith's Richborough, p. 52.

^b *Ibid.* p. 51.

^c *Ibid.* p. 45.

from excavation that it was pentagonal, with the apex looking up the hill to the north.

Lymne, like Richborough and Burgh Castle, exhibits the remarkable feature of one side undefended by a wall. On the south a trench has been cut to discover if any rampart at the foot of the hill toward the marsh ever existed, and the negative may be assumed as certain. At Richborough, as at Burgh Castle, the marsh side was protected by the steepness of the cliff. At Lymne the marsh side was no doubt defended by a broad wet ditch, or, as Mr. Elliott the engineer of the marsh supposes, by a spacious lake, of which he thinks the banks can still be followed through the marsh.^a It cannot be admitted that the river Lemanus flowed there during the Roman period, as it had undoubtedly been diverted to Romney, and the *Portus Lemanis*, or Port at Lymne, was not a port at the foot of Lymne hill, of which not a vestige was ever traceable, but was the port afterwards known as Hythe.

The Saxon military force quartered at Lymne was a body of Turnacenses, an infantry regiment supplied from Tournay in Gaul.

6. Of the *castrum Dubris*, i.e. at Dover, not a vestige remains, and even the position of it is matter of surmise. On the towering height of the castle hill there are two concentric areas, one of small dimensions, about the size of an ordinary Roman *castrum*, and the other of considerable extent, and inclosed by the still existing castle wall. The *castrum* must have occupied the inner and narrower space. That it was held by the Romans for naval if not for military purposes is evident from the fact, that in the centre of it stands an old Roman Pharos. The argument, however, has the less weight, as it appears from an ancient map amongst the archives of the town that formerly there was a Roman Pharos also on the cliff to the west of the port. As to the etymology of *Dubræ*, the name of the *castrum*, the more correct form of writing it was no doubt *Durbæ*, as the city clearly took its name from the river Dour, on which it stands. The Dour runs but a short career, as it rises from the chalk hills about six miles only from Dover, but the stream is beautifully clear and soon becomes a river, and in its progress turns a number of mills in rapid succession. The Dour is of course the Celtic *Dufr*, pronounced by the Welch like the French name for the town—Douvres.

Dubræ or Dover was the station of the Tungricani, a body of infantry drawn from the Tungrii, a people of the Low Countries, neighbours of the Nervii and Betasii.^b

^a See paper by T. Lewin on the Portus Lemanis, *Archæolog.* vol. xl.

^b Tac. Hist. lib. iv. c. 66.

7. The site of *Anderida*, another *castrum*, was formerly much questioned, but the general, if not the universal, voice is now in favour of Pevensey.

The *castrum* of *Anderida* took its name from the Great Forest, which, on the land side, pressed upon it on the north, east, and west. The etymology must be sought for in the Celtic language, in which *Anderida* signifies the Black Forest. Thus (to resolve the word into its elements) *An* is "the," *deru*, "oak forest," and *dy* is "black," signifying "the Black Forest," an appropriate name for the vast forest, the counterpart in England of the Black Forest in Germany.

As you approach Pevensey by the railroad from Hastings, just as you clear the flat marsh-land, and near the station, Pevensey Castle is seen at the distance of about a quarter of a mile on the right hand. The railway station itself is on *terra firma*, and just beyond it, westward, is a considerable cutting, of some 15 or 20 feet. On alighting at the station you advance towards the castle up a gentle rise in a north-westerly direction, and at the end of a third of a mile, and after passing the church on the right hand, you come to the *castrum*, standing on a knoll on the very verge of the marsh, which lies to the south. The knoll rises above the marsh about 25 or 30 feet, and at the foot of it, towards the marsh, is a wet ditch, but no river either there or on any other side in the immediate vicinity, though a small stream, 10 or 12 feet wide, runs towards the sea about a quarter of a mile on the east. Between the *castrum* and the river (to call it so) was formerly the flourishing town of Pevensey, now a mere village. The distance of the *castrum* from the sea may be about half a mile. Along the margin of the sea is a shingle-bank, thrown up by the waves. In ancient times the little streams from the interior kept open a passage through the shingle-bank, and within the bank was the famous Pevensey Bay, where the merchants frequented and vessels of war lay at anchor. This cannot be disputed, as we read in the Saxon Chronicle (A.D. 1046) that Earl Harold "went to Pevensey and lay there weather-bound;" and again (A.D. 1056) that Earl Godwin "went from Sandwich with 42 ships to Pevensea;" and again (A.D. 1052) that Harold, with Godwin, "went eastward until they came to Wight, and went thence to Pevensea, and got away thence as many ships as were there fit for service, and so onwards until he came to Ness, and got all the ships that were at Romney, and in Hyth, and in Folkstone."

The same causes that converted the Wansum and Romney Marsh into dry ground have operated at Pevensey. The land-streams continually brought down the soil from the hills; and the sea, entering by the mouths of the little rivers into the estuary behind the shingle-bank, rapidly deposited the silt with which

it was charged. Thus the bottom of the bay gradually rose, until the estuary was too shallow to float vessels of burden. The same process continued, and the level rose higher and higher, until at last it emerged at low water from the abyss, and invited man to prepare it for cultivation. Pevensey has lost its importance as a port, but is compensated to some extent for its misfortune by the acquisition of new territory. The streams which had kept open the shingle-bank, and thus opened a gangway to the tides, are now carefully confined within earthen walls, and thus the marsh is drained and made over to flocks and herds.

The *castrum* itself occupies about eight acres, and is of an oval form, but with the sides somewhat flattened on the north and south. Originally the whole was surrounded by a wall; but on the south side, toward the marsh, the rampart has been undermined, and the massive fragments are seen at the foot of the knoll on which the *castrum* stands. Part of the wall, on the north side also has disappeared, and both on the north and south are groups of ash trees, and on the south they afford an asylum to a colony of rooks. I looked in vain for traces of the fosse which must once have defended the *castrum* on the west, north, and east sides. The walls, where standing, are about nine feet thick; but this is the minimum. The foundations, where they appear above ground, are of large squared stones, and upon them rise 15 rows of hewn stones, about the size of our bricks, and then double or triple, or sometimes quadruple, layers of bonding tiles, and then 15 rows of stones, succeeded by layers of tiles, &c. The height of the walls at present may be about 30 feet. Where the heart or core of the walls is laid open, it consists of rude stones or flints, strongly cemented. The larger stones of the foundations have in many places been abstracted, so as to present a cavity reaching inwards for three or four feet. In some cases the cavities have been filled up by modern masonry. The principal entrance was on the west, flanked on each side by semicircular towers. On walking round the *castrum* I found these towers repeated at the distance, from centre to centre, of 43 paces, and the diameter of each tower was eight paces. Ten of these towers are now standing. The walls carry with them the impress of various ages. Built by the Romans, they were repaired by the Saxons (as is particularly evident from the herring-bone masonry on the east), and were afterwards taken in hand by the Normans, who here erected one of their stately castles. But the nest of the Roman eagle was too spacious for the Norman sparrow-hawk, and the castle built by the Normans occupies but half an acre, at the south-eastern corner, leaning on one side against the old Roman wall, and defended on the other by new walls and towers, and further secured by a deep moat. It creates a little surprise to find within the

castrum, on so elevated a spot, a standing pool of water of no small dimensions, and the abundant spring that supplies it may have been one of the attractions that determined originally the choice of the Romans. The Norman castle, within the *castrum*, was hexagonal; and the towers at the angles are constructed of larger stones, and more nicely squared, than the gigantic Roman works. Within the castle, on the south-west, is a draw-well, 64 feet deep and 10 feet wide, and the beautiful hart's-tongue ferns that hang from the sides give it a graceful appearance. At about the centre of the castle-yard may be traced the foundations of a small chapel, lying east and west, 52 feet long and 18 feet wide, and at the west end are the remains of a rude font of squared stones, three feet high, but without any attempt at carving. At a cottage hard by is kept a list, which may be received as authentic, of the Roman coins found in and about the *castrum*. They bear the names of Augustus, Tiberius, Nero, Domitian, Nerva, Trajan, Adrian, Severus, Gallienus, Victorinus, Tetricus, Claudius Gothicus, Maximian, Licinius, and Constantine and his family. At the same place may also be seen several stone balls, about a foot and a half in diameter, which had no doubt been hoarded within the *castrum* to supply the ballists, and they give one a great idea of the power of the Roman artillery before the invention of gun-powder.

8. Another of the *castra* was *Portus Adurni*, and, as the River Adur discharges itself at Shoreham, we must look for the *castrum* in that neighbourhood. It is now generally agreed that this *castrum* is to be identified with Bramber Castle. This stands on a singular isolated eminence, partly artificial, overlooking the low grounds on the south. On the east was the Adur or the marshes of the river, and on the other three sides the *castrum* was strengthened by a fosse. The walls which now remain may be referred to a comparatively recent period, but the site is just such as would have been selected for the defence of the Saxon coast. The etymology of the word Bramber is Celtic, *Bran bre*, and signifies Crow-hill, as Branodunum, the most northern of the *castra*, was Crow-down. The military force quartered at Portus Adurni was the *Exploratores* or Scouts.

9. Othona is the ninth and last that I have to describe of the *castra* of the *Saxonicum Littus*. It is the more interesting as only recently identified; its locality had been surmised, but it was matter of conjecture and not of certainty. Camden, the father of English antiquaries, had thrown out the idea that Othona was the Ythancester of the Saxons, and the Effecestre of Domesday, and had placed it at St. Peter's Head, on the southern lip of the Blackwater, in the parish of Bradwell. Philemon Holland confirmed the hypothesis, and added that a huge thick

wall existed there, near which many Roman coins had been found.^a Morant in his History of Essex adopted the same view, but still a cloud hung over the question, which has at last in our own day been completely removed by the results of actual exploration.

A few years since a Company called the "Essex Estuary Company," which afterwards became merged in the "South Essex Sewage and Reclamation Company (Limited)," was formed for inclosing the Essex marshes. In the course of their operations it became necessary to remove a quantity of soil at St. Peter's Head for the purpose of embanking, and in the progress of the work they came upon the foundations of a solid wall of Roman masonry, which proved on examination to be the southern wall of the long lost *castrum* of Othona. The property fortunately belonged to a gentleman who, though not a professed antiquary, was always on the look-out for additions to his store of knowledge, and with the true spirit of enterprise committed himself at once to a thorough investigation of the remains thus accidentally brought to light. Mr. Oxley Parker, the gentleman to whom I allude, and who has been kind enough to furnish me with all the information that I required, has with the most laudable zeal laid open the foundations of all that is left of the outer wall, and in the interior has cut a series of trenches parallel to each other, and only a few feet apart from east to west, so that he may be said to have exhausted the area, and to have done all that the most earnest antiquary could have desired, and much more than any one was entitled to expect. It is the fruit of these labours that I propose to lay before the Society, but before doing so I must beg leave to introduce some general remarks as to the site and name of Othona.

The Chelmer and Blackwater rivers unite at Maldon, and discharge themselves into the estuary, also called the Blackwater, which stretches for sixteen miles due east, and joins the main ocean at St. Peter's Head, the southern bank of the mouth of the inlet. St. Peter's Head is a tongue of land about half a mile broad from north to south, and originally no doubt projected a considerable distance to the east; and at the present day at low water a muddy bank runs out to the extent of about three miles, and for a mile and a half it is almost level. The changes and freaks of the sea in this part are remarkable. At present all is mud or ooze, which has observably increased within the last ten years, but within the memory of man there was no mud, but a clear sand along the water's edge: indeed races were formerly witnessed on the sands, which have now totally disappeared.

^a Morant's Essex, vol. ii. p. 574.

The *castrum* of Othona is seated about the middle (from north to south) of this tongue of land, but on the east the sea washes up to the walls, and has carried off a great part of them. That the land anciently extended far beyond the *castrum* is evident not only from part of the *castrum* having been washed away, but from the trunks of trees *in situ* being still found to the east of the *castrum*.

As to the name of Othona, it appears only once in history, viz. in the *Notitia* or military survey of the Roman Empire about the commencement of the fifth century, and, as the *Notitia* is very corrupt as to Britain, little reliance can be placed upon its orthography. I would rather defer to the authority of the eminent historian Bede, who speaks of Othona under the name of Ythancaester, i.e. the *castrum* of Ithona;^a the latter word may be identified with the *Ἰδυμανία* of Ptolemy, for it must be borne in mind that the Greeks still pronounce δ as *th* so that Idu-mania in the mouth of a Greek would become Ithumania, and then the transition to Ithona by contraction is easy. What then is the meaning of *Ἰδυμανία*? It is no doubt of Celtic origin, and it may surprise some to hear that *Ἰδυμανία* is nothing more than the Celtic for Blackwater: *Y-du* is the Black^b and *aman* (the Celtic form of the Latin *amnis*) is a river or water, and thus Y-du-aman becomes *Ἰδυμανία*, and by abbreviation Ithona or Othona.

The *castrum* itself is of a rectangular form, or rather approximates to it, as the north and south walls are not exactly parallel. On the exterior was originally a broad fosse, which can still be traced more or less distinctly on the north, west, and south sides, and at the south-west corner the water is still standing in it. The present area within the walls may comprise about five acres, and the space originally inclosed may have been about seven or eight acres. No part of the walls now rise above the surface of the ground, which explains why they remained so long undiscovered. However, the foundations have recently been traced throughout. On the west side only, the sea has made no inroad, and here the length of the wall measures 522 feet, so that if the *castrum* were a perfect square the contents would be 30,450 square yards. On the north the length of the remaining foundations is 290 feet, and on the south 150 feet. On this, the southern side, is seen the most perfect part of the whole, and from which the general structure of the masonry is distinctly recognised. The lowest stratum of all is a footing of tile, then a thick layer of several rows of stones, then a triple row of tiles, then

^a Hist. Eccles. lib. iii. c. 22.

^b Thus far the learned Camden had traced the etymology, vol. ii. p. 123. Ed. Gough.

another layer of stones, then another triple layer of tiles, and so on. The existing remnant rises to the height of four or five feet. The thickness of the wall is about twelve feet.

On the south side is no appearance of any gateway, and from a quantity of sea-weed thrown up and found at the height of five feet above high-water mark, the sea must at one time have flowed up to the very walls, and perhaps along the trench by which the *castrum* was originally environed.

On the west side was the principal entrance or *Porta Prætoria*, not however, as might be supposed, in the centre, but at the distance of 240 feet from the southern and 290 feet from the northern end. The position of the gate may have been regulated by the internal arrangements. At the south-west corner are traces of a tower, corresponding no doubt to that of which the foundations are distinctly visible at the north-west corner. Between the south-west corner and the Prætorian gate was no other tower, but between the gate and the north-west corner stood another tower similar to those at the angles. The form of these towers was two-thirds of a circle the diameter of which was about 16 feet.

On the north side was no tower along the existing foundations, but there appear to have been two outlets or gates, of smaller dimensions, and of a subordinate character.

When I first visited Othona I carried with me a strong prepossession, that, as at Richborough and Burgh Castle and Stutfall, so at Othona, the sea itself was relied upon as a sufficient protection on the east, and that no wall had ever been erected on that side. At the first glance, however, I was satisfied that this was a mistake. At the other *castra* to which I have referred the bank is steep, and could be easily defended, but at Othona the ground slopes to the east so very gradually that the *castrum*, if not fortified on that part, might just as well have been destitute of walls altogether. At present, however, not a vestige of the eastern wall is to be seen, and no wonder. The cement used by the Romans, when exposed to the action of water, is soon dissolved, the stones are let loose, and are then carried away by the current. A heavy body loses so much of its weight in water, particularly in the sea, that the most ponderous masses are easily transported. The same phenomenon is indisputably presented in the case of the northern and southern walls, for on both these sides the eastern portion of the walls have been so completely dismantled and swept away that not a fragment even of the lowest foundation can now be distinguished.

Such is a general outline of the *castrum* as disinterred by the patriotic exertions

of Mr. Oxley Parker. For the dimensions and other details, in an architectural point of view, I must refer to the accompanying plan, which has been very carefully prepared by Mr. Chancellor, the architect, to whom, as well as to the Rev. J. Milligan, who has kindly allowed us to exhibit his own sketches of the chapel, we are much indebted.

Having described the shell of the *castrum*, we come now to the kernel, the interior. The *castrum* was occupied, according to the *Notitia*, by a *numerus Fortensium*, or band of the Fortenses. In the case of the other *castra* the designation of the troops is traceable to some nation or city, but here the appellation is evidently a derivative from *fortes*, and has much the same meaning with it, though of a more imposing sound to the ear.

The Fortenses are not mentioned in history, and Othona contains the only relics from which we can gather any information as to their accoutrement or diet or modes of life.

Their arms were the ordinary accoutrements of the Roman cohort, the sword, the spear, and the buckler. As to their subsistence the Fortenses were no doubt a hardy race, and accustomed to privations, but to judge from the *débris* of the *castrum* their table was not ill supplied, and sometimes was even provided with luxuries. The numerous oyster-shells that are turned up show that the rough soldier could appreciate the delicacy which so pleased the palate of the Roman gourmand. The more substantial provisions consisted of beef, and pork, and goats' flesh, as is manifest from the frequent recurrence of oxen and goats' horns and boars' tusks. Venison also not uncommonly smoked upon the board, for the antlers of the stag are almost as abundant as the horns of oxen. What is remarkable of the horns of oxen is, that they belong chiefly to the breed called the Chillingham cattle, and which are supposed in ancient times to have run wild about the vast forests which once covered this part of the country.

From the character of these remains (the horns, the antlers, and the tusks) we may draw a fair conclusion as to the habits of the garrison. When not engaged in active service their amusements lay in the chase, and perhaps when they were straitened for provisions their only sustenance was to be procured from the hound and the hunting spear. The circumjacent forests were unquestionably at that time of boundless extent, and would seem to have swarmed with herds of wild cattle, and wild boars, and deer. Exciting must have been the pursuit of such game, and many a sportsman of the present day may regret that Essex is not still the pristine forest.

But the Fortenses had also their domestic comforts, and were not debarred by

military discipline from enjoying the society of their wives and families. The pins, armlets, bracelets, rings, combs, beads, fibulae, and other ornaments of female wear, ^a establish the fact that the Fortenses were not the Knight Templars of the day. Isolated as they were in a strange country, away from their friends and relations, they seem to have been allowed to create new homes within the *castrum* itself. With the exception however of a single fragment of a foundation-wall no traces remain of houses or hearths within the *castrum*; but, when even the gigantic walls of the camp itself have been recovered with difficulty, it may well be conceded that numerous mansions and humbler dwellings may once have covered the open area now so bleak and uninviting, without a vestige of pristine occupation.

What was the length of time during which the *castrum* was thus occupied is partly conjectured; as it was built solely and exclusively as a defence against piratical invasion, we may be sure that it was not constructed much before A. D. 286, when the Saxon buccaneers first becoming troublesome called for repression, nor was it garrisoned by Romans, or rather by a force in Roman pay, later than A. D. 409, when the last of the Roman troops bade adieu to the island. Some evidence may be derived from the coins, though they furnish but a vague estimate, as the Romans were not in the habit of calling in their coinage; but the pieces

^a I have since been furnished by Mr. O. Parker with the following list of articles found at Othona:

| | |
|-----------------------------------|-----------------------|
| Horns used for shoemaker's tools. | Armillae. |
| Spindle-whorls. | Long needle. |
| Bullae, buttons, &c. | Leaden weight. |
| Fibulae, Roman and Saxon. | Horn rings. |
| Roman tooth-combs. | Two pieces of brass. |
| Lower jaw of boar and tusks. | Pendant or tag. |
| Handles. | Carved side of a box. |
| Styli. | Carved bone case. |
| Staples. | Jet bead. |
| Metal plate. | Glass beads. |
| Keys. | Glass vessels. |
| Bones of pigs' feet. | Bone pins. |
| Cocks' legs with spurs. | Part of sickle. |
| Bone handles. | Garden tool. |
| Strigil. | Steelyard. |
| Bone case. | Frankish axe. |
| Bone implements. | Spear-heads. |
| Knives. | Laminae of bone. |
| Lance-head. | Studs or nails. |
| Tweezers. | Pieces of pottery. |

were current until they were so defaced as to lose their identity. Mr. Oxley Parker has been kind enough to furnish me with a list of all the coins which have been found, and the following catalogue will form not the least valuable part of my paper. They range from Gallienus (who began to reign A. D. 260, and extend down to Honorius, in whose reign the Romans abandoned Britain, A. D. 409. Whenever the *castrum* was first occupied, the coinage which was then current would extend back for many years previously, say thirty years. We may therefore by the evidence of the coins found at Othona assent to the conclusion, that the *castra* proper of the *Littus Saxonicum* (of which Othona is the surest specimen, as from its site it could have been built for no purpose but to repel invasion,) were erected about A. D. 289, and lasted about 120 years.

The series of coins is as follows :

| Emperors. | Began. | Emperors. | Began. |
|-------------------------|-----------|-------------------|--------|
| Gallienus . . . | A. D. 260 | Helena . . . | 306 |
| Victorinus . . . | 265 | Crispus . . . | 317 |
| Claudius Gothicus . . . | 268 | Constans . . . | 337 |
| Tetricus . . . | 268 | Licinius . . . | 337 |
| Aurelian . . . | 270 | Magnentius . . . | 350 |
| Probus . . . | 275 | Julian . . . | 361 |
| Maximian . . . | 286 | Valens . . . | 364 |
| Carausius . . . | 287 | Gratian . . . | 366 |
| Allectus . . . | 290 | Valentinian . . . | 375 |
| Theodora . . . | 292 | Theodosius . . . | 379 |
| Constantius . . . | 305 | Arcadius . . . | 395 |
| Constantine . . . | 306 | Honorius . . . | 395 |

The coins of the Constantine family are as usual the most numerous, and of any individual Emperor those of Carausius are the most abundant.

We now come to the second phase of Othona, namely, its state in the time of the Saxons. When the foundations of Othona were first laid there was probably not a habitation in the vicinity, but a garrison of from 500 to 1000 men was a centre of attraction which would soon collect about it, first a market to supply provisions and other necessities, then stores and shops, and then permanent dwellings. Thus a town began to attach itself to the *castrum*, and gradually extending became ultimately a place of considerable importance. When the Romans left Britain the military influence which gave birth to the new settlement

was at once withdrawn, but by that time the town had so grown as for a time to be self-supporting, and for many centuries after this it struggled for and maintained an existence. We hear nothing of it from the departure of the Romans in A. D. 409 to the conversion of the East Saxons to Christianity in A. D. 653. But in the middle of the seventh century, when the East Saxons renounced paganism to embrace the Gospel, Ithona reappears upon the scene. Sigebert, afterwards called the Good, King of the East Saxons, was an intimate and dear friend of Oswy, King of Mercia, who was a christian. Sigebert was frequently a guest at the court of Oswy, and, seeing the absurdity of his own blind superstition as compared with the enlightened and spiritual religion of Christ, he announced himself a convert. His next object was (for policy as well as conscience' sake,) to bring over his subjects to the same creed. With this view, when he returned home, he carried with him a priest by the name of Cedd. The labours of this missionary were most successful, and throughout East Saxony or Essex numerous proselytes were brought over to the faith. Cedd gained so much credit by this extension of the Gospel (though the sunshine of court favour had much to do with it) that the ecclesiastics of Mercia, to encourage him to proceed, ordained him Bishop, and assigned Essex as his diocese. Cedd now redoubled his exertions, and every where established churches and ordained priests and deacons. The two most famous of these churches were those at Tilbury and Ithancester or the *castrum* of Othona. The passage itself of Bede may be worth transcribing. He writes,

"Cedd, having received the degree of bishop, returned to the province (Essex), and, fulfilling with greater authority the work he had begun, established churches in different places, and ordained priests and deacons to assist him in the word of faith, and in ministering baptism, more especially in that town which is called in the Saxon tongue "Ythancæster," and also in that which is called Tilabury (Tilbury). Of which two places the first is on the banks of the Pent, the other on the banks of the Thames, in which (places) having collected a swarm of the servants of Christ, he taught them, so far as in their rude state they were able to receive it, the discipline of religious life."^a

The mention of the river Pent or Pant has been a puzzle to many, as if no such river were known, but in fact it confirms the identity of Othona with Ithancester. The Pant is nothing more than the Blackwater. It is well known that rivers often bear one name at the mouth and another at the source, and sometimes one name and sometimes the other is applied to the whole length.

^a Bede, lib. iii. c. 21.

Thus, what is now called the Rother was anciently known as the Limen at its mouth and as the Rother at its source, but in history the river as a whole is sometimes called the Limen and sometimes the Rovia. So with the Blackwater, the part between Maldon and the sea was the Idumania or the Blackwater, and the part above Maldon was the Pant. At the present day the river and estuary are both called the Blackwater, but in the time of Bede the river and estuary were both called the Pant. I observe that Capper, in his *Topographical Dictionary* (which is usually very correct), has fallen into an error, for he describes the Pant as "a river which falls into the Blackwater below Little Braxted," but this would be the stream called the Avon, which runs by Whitham. But in Pinkerton's maps the Pant is rightly identified with the Blackwater, which, rising near Pantfield, flows by Coggeshall. The learned Camden assumes, as a fact well known, that the Pant was the same as the Blackwater, and traces its course from Radwinter to the sea.^a

As Cedd certainly erected a church at Othona, and as we find there at the present day the ruins of a building which has unquestionably been a church, and as the features of it correspond to the Saxon period, we can have no hesitation in pronouncing that in this tattered and dilapidated edifice we have the veritable handiwork of the old Saxon missionary Bishop Cedd. What a curious and interesting monument then is before us, curious as a specimen of the Saxon architecture of that period, but more particularly interesting as the earliest attempt at an ecclesiastical edifice in the county of Essex. As the church of a bishop, it may be regarded in the light of a cathedral, and if it little accord with that character, according to modern ideas, it must be borne in mind that the foundation was laid when Christianity in Essex was just commencing, when the majority of the population was still pagan, and when all England lay in comparative darkness. Even if we look at the church of St. Augustine the Archbishop, at Canterbury, we shall not find it of much larger dimensions, or much more imposing, than the church of Bishop Cedd at Ithancester.

The form of the building will be best understood by referring to the ground-plan; I may however sketch the general outline. The *position* of the chapel is not altogether what we might have expected. It is built in the very jaws of the *castrum*, in the *Porta Prætoria*, the western gateway. The greater part of it lies within the *castrum*, but a portion of it projects beyond it.

^a I have since ascertained from a resident at Maldon, on whose authority I can rely, that the part of the estuary from the sea to within seven or eight miles of Maldon is still called the "Pant," so that Bede is strictly correct in placing Ithancester on the Pant or Pent.

The body of the church is a rectangle or oblong, and at the western end or front was a tower over the porch, and at the eastern end was an apse,^a and on the north side of the apse was a sacristy or vestry. The length of the nave is 55 feet, and the breadth of it 28 feet, and the radius of the apse is 20 feet. The only part of the chapel now visible is the body. But for the excavations so perseveringly made by the proprietor, we should never have known the existence of the apse, or the porch, or the sacristy, as the foundations only can be traced. About the middle of the north side was, within the memory of man, an excrescence, of a square form. The foundations of it rest upon the plinth or set-off of the original building, and are independent of it, and the structure was probably of a much later date, and added perhaps when the church of a bishop had been degraded into a lighthouse or barn.

The quarry from which Cedd drew his materials is self-evident. They were furnished by the walls of the *castrum*, and Roman tiles amongst the stones are turned topsy turvy and in all conceivable positions. At the angles of the building are quoins of hewn stone, and, as mortice-holes are detected in them, they were no doubt taken from the jambs of the Prætorian gate. There are four buttresses on the north side, and the same number on the south, and two, viz. one at each corner, on the west. In some cases these buttresses appear to be bonded into the wall, but at the north-west corner the north wall evidently bulges outward, and I suspect that when the rude masonry of the original edifice gave way the buttresses were added for its support. The mortar is extremely hard, which has led some to think erroneously that the building is Roman, but it proves only that the art bequeathed by the Romans to the Britons was preserved by them for a couple of centuries. It must not be supposed that when the Roman troops, composed to a small extent only of Italians, were withdrawn from Britain, all the Roman civilians left, and the island relapsed into barbarism. On the contrary, very few of the Romans who were domiciled in Britain abandoned their homes, and certainly the arts which the Romans had planted in Britain survived for many generations.

A small part only of the *castrum* was occupied by the chapel. Another portion

^a It is the opinion of some that in the interior the apse or chancel was approached from the body of the church by a double arch, and they rely upon the fact that at about the middle of the chord of the apse is still seen the base of a stone, which they think must have supported the division between the two arches, but in truth the stone is *not exactly in the middle*, and therefore, instead of supporting, disproves the theory.

of it immediately adjacent served as a churchyard, that the bodies of the converts to Christianity might rest in their peaceful homes, protected by the surrounding ramparts from the desecration to which otherwise, from the violence of pagan superstition, they might have been subjected. In the course of the excavations which have been made, numerous bodies have been disinterred about the chapel, and, as I am informed, all of them lying east and west, and so betokening a Christian burial. Outside the camp, on the other hand, bodies are also found, but they have been buried without the least reference to the sacred quarter of the East. Indeed it stands to reason that while the camp was occupied as a military station the interments must have been without it. Perhaps the *residence* of the monks was also within the area of the *castrum*, for they would here find a secure asylum. We have seen that in the same age Fursæus, an Irish missionary, established his monks within the walls of the Roman *castrum* at Burgh Castle, and Cedd would naturally adopt the like means of guarding against any popular outbreak.

We now leave Bishop Cedd, and advance to the state of Othona in the time of the Normans. Here our authority is that great survey which stands in the same relation to Britons that Homer did to the Greeks; I refer of course to Domesday Book. It appears from this survey that, at the time when it was composed, Ithancester was known by the name of Effecester, evidently a mistake for Ethcester, and a contraction of the longer form of Ithancester. We further collect from it that in the time of Edward the Confessor Ithancester was a manor, one part of which was held by Turchill and the other by Ingulph. At the date of the survey Turchill's part had been granted away to the monastery of St. Valery in Normandy, and Ingulph's part had devolved upon Hugh de Montfort.^a To the latter portion was attached the advowson of the church at Bradwell, and, as according to Morant the chapel of Cedd in its decay was an appendage to Bradwell, I presume it followed along with it, and came to Hugh de Montfort.^b The town of Ithancester, as well as the *castrum*, was evidently at the time of the Norman conquest still a place of some note, and yet, singularly enough, the very site of it cannot at present be traced. The tradition is that it stood on the east side of the *castrum*, on the tongue of land now covered at high tides by the sea,

^a Terra Sancti Walerici, Hund. de Witbrichtesherna. Effecestram tenuit Turchillus liber homo T. R. E. &c.

Terra Hugonis de Monteforte, Hund. de Witbrichtesherna. Effecestre tenet Ulmerus de Hugone, quod tenuit Ingulphus liber homo T. R. E. &c.

^b Morant's Essex, vol. ii. p. 377.

and presenting at low water a long low bank of mud or ooze. It is even said that the foundations of houses are met with in this direction, but I have not been able to meet with any respectable evidence of the fact. On the other hand there are circumstances which would rather lead to the conclusion that the town lay on the west side. In the first place it would on the land side be better sheltered from the constant blasts from the ocean, and, what is more to the purpose, the *Porta Prætoria* or principal gate, which would naturally be towards the town, was on the west, and the chapel also, which would be pitched with reference to the population, was built on the west. It need excite no surprise that all vestiges of the houses in this part have disappeared, for even the massive walls of the *castrum* itself have only recently come to light, and that by the merest accident. All however is conjecture, and therefore I would not venture to gainsay even a third opinion, viz. that Ithancester stood on the strip of ground which is still high and dry on the north side, between the *castrum* and the river. Why otherwise, it may be asked, has the *castrum* two outlets, though small, on the north, but none on the south?

For the next notice of the chapel I must rely upon Morant, the well-known author of the History of Essex. He says, "On that spot, which is now the north-east point of this hundred (Dengey), stood a chapel, de la Val or St. Peter's ad Murum. This was dependent on Bradwell, and a chapel-of-ease to it, whose rector did find a priest to officiate to it on Sundays, Wednesdays, and Fridays."^a We have here the name of the saint to whom Bishop Cedd had dedicated his church, and the selection of St. Peter as the patron saint of the first Christian church in the kingdom of Essex was very appropriate, as he held the keys, that is, was the apostle by whose means the door of the Gospel was first thrown open to the Gentiles. The gradual decay of the church, from being the primitive cathedral to becoming a humble dependency upon Bradwell, was just what might have been anticipated. At the time of its erection Ithancester was a flourishing town, but, as it had arisen and been fostered by the garrison of the Fortenses, so when they were recalled the symptoms of decay began. The spot in itself was uninviting and unhealthy, and the more cheerful and benign aspect of Bradwell gradually attracted thither the population of the exposed and now desolate *castrum*. Thus Bradwell became the principal church, while the spiritual wants of the few that remained at Othona were provided for by a chaplain. Morant proceeds to say that "A jury found in 1442 that it (the chapel) had a chancel, nave, and small

^a Morant, Hist. of Essex, vol. i. p. 377.

tower, with two bells, that it was burnt, and the chancel was repaired by the rector, and the nave by parishioners. When it was founded, and by whom, they knew not." The tower here alluded to was no doubt that over the porch at the west end, for the two bells were in the tower, and if the tower was over the sacristy the ringers must have been admitted into the sanctum where the sacred vestments were kept, which is incredible. The finding of the jury that the chapel had been burnt is confirmed by the appearance of it at the present day, for the stones, in places, have a red hue, as if from the action of intense heat. I do not collect from the inquisition whether after the fire the chancel was actually repaired by the rector, and the nave by the parishioners, or whether the rector and parishioners were only liable for these repairs, but I should rather lean in favour of the latter view, as from this time we hear no more of the chapel. Both rector and parishioners would be glad to escape from a considerable expense, and it is very unlikely that the small remnant of population that still hovered about the devoted spot should have been able to compel a reconstruction, which, after all, would be of no great public benefit. We need not be surprised at the solemn declaration that the jury "knew not when it was founded, or by whom," for to judge of past country juries by the present, not one of them could have understood the pages of Bede written in Latin, and probably untranslated.

We have seen the *castrum* pass from military to religious purposes, but the chapel of Cedd was destined to fall still lower. In the reign of Elizabeth and her successors James the First and the two Charleses it became a beacon or lighthouse, and coins of Elizabeth and these kings, which have occasionally been found in or about the chapel, may be thus accounted for. It was probably on this occasion that the building assumed its present quadrangular shape. The apse and the sacristy and the porch at the western end were taken down, and the materials were employed in erecting a straight wall at the eastern end, and closing the doorway at the western end, and also in raising the height of the walls generally, for it is evident to the observer that the upper parts of the walls have been an afterthought. At the same time a new porch was built on the north side as the principal entrance, the foundations of which may still be seen, as already observed, resting upon the plinth or set-off of the old edifice.

I come now to the last scene of all of this eventful history. From a beacon or lighthouse the chapel was degraded to a more ignominious state still, and became (as it is now) a common barn for the store of agricultural produce. Even the porch on the north has now disappeared, and the four bare walls stand on the seashore, a

wreck, a skeleton, a monument of that instability and vicissitude to which all things human are subject. Not a dwelling is within sight, and the farm-labourer, and occasionally the curious traveller, are the only persons that ever visit the scene where once so many thousands were congregated.

XXIII.—*Some Account of Runic Calendars and 'Staffordshire Clogg' Almanacs.*
By J. BARNARD DAVIS, M.D. F.R.S. F.S.A. Local Secretary for
Staffordshire.

Read May 23, 1867.

In proposing to give some notice of Staffordshire Clogg Almanacs, it will be fitting to begin with Dr. Robert Plot, the Natural Historian of the county. Not that I intend to follow him in his description of them, which is the fullest and best that has ever appeared. This would be unnecessary. But references and allusions to Plot must be frequent. That the Almanacs bore the name appropriating them to Staffordshire in his day, is evidenced by the title to the fine plate to the History (tab. xxxv.), dedicated to his patron "the worshipfull Elias Ashmole," which is, "The Clog or Staffordshire Perpetuall Almanack." There is another proof that they were called Staffordshire Almanacs at an early period, and thus, as it were, restricted to this county, for calling my attention to which I am indebted to A. W. Franks, Esq. the late Director of this Society. One of these calendars, now in the British Museum, belonged to the original collection of Sir Hans Sloane, which was purchased at his death. It is entered in Sir Hans Sloane's own manuscript catalogue, which appears to have been made as curiosities fell into his hands, as "A Runic or Staffordshire Almanack." The entry occurs towards the middle of the catalogue, and no doubt the Clogg was in the possession of Sir Hans many years before the close of his very lengthened life, in 1753. So that this fact is an additional evidence that these perpetual calendars were considered, in Plot's time and subsequently, to be proper to Staffordshire. When we shall come afterwards to mention the original source whence these instruments were derived, namely, the Runic Primstaves of the Danes, it will be difficult to account for their use being mainly confined to this county, which had no such special connection with these people, and, in truth, was not visited by the Danes so much as many other counties of England, where Clogg Almanacs are unknown. Plot, in his day (1686), speaks of them as "a sort of Antiquity so little known, that it hath scarce been yet heard of in the *Southern* parts of England, and understood now but by

few of the *Gentry* in the *Northern*.”^a In a preceding page he testifies to their being still extant and in use in his time, as he mentions them as “an ancient sort of *Almanacks* they call *Cloggs*, made upon square *sticks*, still in use here amongst the meaner sort of people.” At the present day, so far from their use being extended, as Plot may be supposed to have anticipated, they are totally unknown in Ireland and Scotland, in the northern counties of England as well as in the southern, even as antiquities, which Plot, as we have seen, declared them to be, and they are now only known from the very few examples preserved in museums. Such have been the changes effected in more modern times, that the wooden perpetual almanacs have been long since superseded by the productions of the printing press. Hence it may be concluded that they are, in a singular degree, deserving to be regarded as local English antiquities. The result of the inquiries I have been able to make is to confirm the impression that these Clogg Almanacs properly appertain to Staffordshire, although some examples may have been made out of the county. I have not met with any mention of them in Ormerod’s great History of Cheshire, or in Eyton’s Antiquities of Shropshire. One specimen is believed to be of Derbyshire origin; which, so far as its history is known, is derived from Wirksworth. Still, they must have been very rare in that county, as there is only one in the Bateman Museum, and that one was purchased in Manchester. This is evidently an instance of a particular instrument clinging to a certain district. In Scandinavia, where Runic Calendars have been formerly in general use, there are large districts where every such almanac known is a *runeless Clogg*.^b

^a The Natural History of Staffordshire, by Robert Plot, LL.D. 1686. p. 419.

^b It may be desirable in this note to mention the examples of Clogg Almanacs that have come to my knowledge. Not that this list can be considered to be complete. Their perishable nature explains the rarity of such objects.

1. The one which was formerly in the museum of Mr. Richard Greene, Apothecary, of Lichfield, the first to form a museum in the county of Stafford. This gentleman was a relative and a correspondent of Dr. Samuel Johnson, who on one occasion visited his museum, when he made the remark: “Sir, I should as soon have thought of building a man-of-war as of collecting such a museum.” Mr. Greene’s portrait, from an old copper-plate, is given in Dr. Stebbing Shaw’s “History and Antiquities of Staffordshire,” vol. i. pl. xxx. surrounded with curious objects indicative of his collection, as well as a view of the interior of the museum itself in pl. xxxii. This Clogg was in Mr. Greene’s Catalogue called “A Runic Almanac,” a misnomer (not peculiar to this catalogue only), as there are no Runes upon it; it is engraved on a quadrangular oaken staff, and is without date. At Mr. Greene’s death it passed into the museum of Dr. Richard Wright of Lichfield, afterwards into the possession of Mr. G. T. Lomax, and is now exhibited in the public museum of that city, being lent for exhibition by its present owner. It has been carefully engraved in the Anastatic Drawing Society’s Volume for 1860, where it is briefly described by Miss F. M. Gresley; and more at length by Rev. J. M. Gresley, in the “Transactions of the Leicestershire Architectural and Archaeological Society,” vol. i. p. 410.

That the Staffordshire Clogg Almanacs are remotely of Danish origin, as Dr. Plot declared them to be, there need not be any doubt. An older writer than Plot, Verstegan, alluding to the origin of the word almanac, says, "Our ancient Saxon ancestors used to engrave upon certaine squared sticks, about a foot in length, or shorter or longer as they pleased, the courses of the moones of the whole yeare, whereby they could alwaies certainly tell when the new moones, full moones, and changes should happen, as also their festival daies." These instruments may safely be regarded as the descendants, the modernized and simplified representatives of the Runic Primstaves of the North—Scandinavia and England—the use of which had not entirely passed away in Norway in the last century, and in some of the islands of the Baltic at the early part of this. It must not be overlooked that Runes were letters employed in England,—the Colony,—as well as in Scandinavia; and moreover that Runic Calendars were in the hands of the people of England when Runes were in use. So that in reality the Staffordshire Cloggs are derived directly and immediately from English Rimstocks. All this may be said without shutting our eyes to the fact of the essential difference between the two sets of instruments, the Runic Calendar and the Clogg Almanac, a difference which the nomenclature of the most respectable authorities wholly overlooks. We have seen Sir Hans Sloane, and Mr. Greene, as quoted in Dr. Shaw's 'History,' and they are not alone, confounding Runic Calendars and Staffordshire Cloggs,

2. One in the Bateman Museum, at Lomberdale House, Derbyshire; also on a squared oaken staff, and bearing the certainly original date, 1626. It was bought at the sale of the collection of Mr. Thomas Barritt, of Manchester.

3. The "Finch Clogg" of oak, in Chetham's Library, Manchester.

4. The "Moss Clogg," also of oak, in the same library, bearing the date 1589.

5-8. Four in the British Museum, one of which is that derived from the collection of Sir Hans Sloane, and two of the others are from the Harleian Collection. They are all engraved on squared staves of wood, are without dates, have no handles, except one which has a very small one, and are of different sizes, the longest being 16 inches, the shortest 6½ inches long. One of them has the signs of the Zodiac upon it. The shortest may be looked upon as a pocket Clogg.

9. One in the collection of the Historic Society of Lancashire and Cheshire.

10. One in the possession of Rev. John Smith Doxey, Rochdale. This is the one derived from Wirksworth, which can be traced for one hundred years or more in the family of the owner, although its use was not known.

11. One in the collection of St. John's College, Cambridge. It is 16 inches long, and made upon a stout squared block of the wood of an English fruit-tree, probably pear tree. The large Clogg at the British Museum and this are so much alike that they may be supposed to have been made by the same hands. They are distinguished for being of the same size, being well executed, for each having a magnificent harp for St. David's day, and an equally magnificent rake on the 11th of June, for the commencement of hay-

in the most indiscriminate manner. The two form altogether distinct classes. The ancient ones, *in both countries*, were Runic Staves; the later ones, in Scandinavia as well as England, are *runeless* calendars. The Cloggs do not retain a single rune in their inscriptions, but chiefly agree with the older instruments in the fact, that both present symbolic signs for the "mark-days" of the year, that is, for the immovable feasts and the days emblematic of the seasons.

The Runic Calendars are described as being used in the Scandinavian North by the oldest Danish writers, to whom Dr. Plot refers. Both Olaus Magnus, the Archbishop of Upsala, in his "Treatise on the Customs of the People of the North," published in 1555, and Olaus Wormius, the Danish physician, in his "Fasti Danici," 2nd edition, A.D. 1643, speak of them. The latter gives woodcuts of some curious ones, designates them Danish Calendars, doubtless because they were invented by the Danes, continually used by them, and sculptured with Runes, characters originally peculiar to the Northern nations. In fact, although all examples of which we have any account are Christian, and we may refer their use

time, and for both containing a long reclined notch, representing the bough of a tree, on the 2nd of March, St. Ceadda's day. This indicates the mode of life of St. Chad, who was a hermit, and dwelt in the woods near Lichfield. He is retained in the English Calendar, and an ancient church in that city is dedicated to him. In this Cambridge example the first day of each month is distinguished in a particular manner, by having a little pin-hole at the bottom of the notch for the day; probably these holes may have originally held brass pins, as in other examples, which have dropped out.

12-15. Four in the Ashmolean Museum, Oxford. One, which is 18 inches long, is made on a squared staff of box-wood, has a handle, and is without date. The three others are small ones, also of squared box-wood, and are of that kind mentioned by Plot to carry in the pocket. The largest is but 6 inches in length, the shortest 5 only.

It is deserving of note that the most famous, and perhaps most beautiful Staffordshire Clogg, that which is engraved by Plot in his tab. xxxv. and has been so often copied in this country, and even abroad, like the very remarkable ones engraved by Olaf Worm, is lost. This Clogg, although Plot in describing it employs the terms "the squared stick," was, I am persuaded, of brass, and was almost certainly that which was sent him by "the most ingenious Charles Cotton of Beresford, Esq." I consider it to be represented of the full size.

16. One in the Bodleian Library, which is made upon a squared block of wood, durable, heavy, and without grain, most likely of a fruit-tree. It is about 22 inches long, including the handle, which is round and a little more than 4 inches in length. The 1st of January is distinguished by a circle; there is no emblem for the 5th of November; and the 2nd of March is marked by the bough of a tree, the symbol of St. Chad.

17. One in my own possession, which bears a date difficult to decipher. I read it 1653. This was purchased at the sale of the Bradbury Collection at Manchester, in 1865. It is a very large and fine example, carved on a squared block of oak. It is represented on Plate XXI., the diagram of the four faces being drawn to a scale half that of the original. The symbols upon it will be described presently.

back to the time at which Christianity was introduced into the North—about the 10th century—there is no reason to impute their origin to Christian times restrictedly. They were, no doubt, employed earlier, although earlier examples have not been preserved. But it is apparent that people of older periods and of different countries may—nay, probably must—have employed means for indicating the lapse of time and the recurrence of seasons somewhat similar; for none could be more simple and more likely to suggest itself than that of marking the days by notches on a staff of wood.*

It has been inferred that Runic Almanacs were used by the Danes soon after the epoch at which the Julian year was instituted, because they are arranged according to the solar year introduced by Julius Cæsar. On the oldest Runic

* Some such mode of recording the passage of time is, without doubt, used by the least civilized races of men. I was once told by a *Makooah*, whose name was "Tatooah," a Portuguese slave from the eastern side of South Africa, on the Mozambique Coast, that he remembered, when a boy in his father's hut, it was the custom of the family to make a knot upon a string hung up in the hut every morning when they arose, to distinguish the day and to mark its distance from the new moon, which is a season of great importance in the simple events of a Negro's life.

The rude piece of sandstone of pentagonal form, figured below, was found some years ago in an ancient British barrow in the North Riding of Yorkshire. By alluding to it in this place I do not for a moment intend to put the Ancient Britons on a level with the uncivilized Makooahs. Upon this stone a tolerably regular oblong square, or parallelogram, has been grooved; then six lines have been indented the long way of the quadrangle, so as to divide it into seven equal portions. Lastly, three transverse grooves have been engraved crossing the previous seven spaces, thus dividing the quadrangular surface into twenty-eight parallelogrammatic elevations or spaces, each of about the same size. This carving might be supposed to be designed for an Ancient British Almanac, if we could perceive the way in which it was used. It has indeed been suggested that this pattern might have formed a mould for casting a bronze instrument with twenty-eight equal spaces in it. We know that the Ancient Britons had a Lunar Calendar which must have occupied much attention in the regulation of their festivals. (*Crania Britannica*, p. 115.) The sixth day of the new moon, "*dies sexta Lunæ*" (Pliny, lib. xvi. § 95), was a sacred day, from which they dated the commencement of their months, years, and *secula* of thirty years. It is not known that they divided their lunar month into four septenary periods or weeks; still, it is most likely that the later Britons would have learned this mode of dividing time from the Romans, who are said to have used it at the beginning of the third century. It cannot be regarded as at all probable that the Britons used no means to mark the days intervening between one new moon and another, and the inference that this carved stone had some connection with the lunar month is not improbable.



Primstaves known there appears the figure of a hatchet to mark the day of the martyrdom of Olaf, the King of Norway, who was beheaded in the year 1030 of the Christian era. These facts however do not limit the origin of such instruments.

Almanacs carved on staves of wood, &c. may thus be divided into two great sections: the more ancient, or the Runic Calendars, inscribed with Runes; and the less ancient, runeless calendars, or STAFFORDSHIRE CLOGG ALMANACS. Although these latter are, to a certain degree, appropriated to that county, it should be borne in mind that they are to be found in Denmark and Norway also, and that in reality they mark the period at which Runes ceased to be used.

I. The Runic Calendars, the *Primstaves* of the Norwegians, so named from the new moon, *prima luna*, or from the Prime, or Golden Number engraved on them; and *Rimstocks* by the Danes, from the Islandic and Anglo-Saxon word *Rim*, a calendar, and *Stock* a staff, or stick; are the original instruments invented by the Danes and other northern nations, and which followed in the track of those people wherever they went. Runic characters are said to have been the invention of Woden, and to have been employed by him not only for inscriptions, but also for magical enchantments, *fatales Runæ*. Hence, when Christianity was introduced into the North, Runes were looked upon with horror as emblems of pagan superstition; and to this is to be attributed the loss of the ancient books, calendars, &c. wherever these letters were inscribed, which were extensively destroyed by the priests and the converts to the new faith. Still the Runic characters are regarded to be derived from the Greek and Roman ones, which have been changed into more linear and angular forms in order to meet the requirements of the sculptor in wood and stone, and to facilitate his labours. Since Runes were at that early period looked upon as having mysterious and magical powers, they became obnoxious to the early Christian priesthood, and their use was forbidden. In a later age they were employed in matters of a sacred character; and we know that they were extensively carved upon these calendars for Christian purposes, for which use their forms eminently fitted them.

The forms of the Runic Calendars, of which Worm mentions many, were exceedingly varied. They were mostly made of wood (*treen*), but far from exclusively so. Some were of horn or of bone. Worm figures and describes a singular one on bone; and some were inscribed on parchment. The wood itself differed in different examples. Many were of oak, some of box, some of pine, some of pear-tree, some of lime, &c. Many were constructed in the form of a

sword or sabre, or of a long staff or baton; all, emblems of power in the hands of priests and rulers. Some of these staves were of hexagonal form, but not tapering to a fine point, as they have been represented; more were rectangular; some prismatic staves. Others of these calendars were of tongue-shaped leaves united at one end by an iron pin riveted in, just in the shape and manner of a fan. Another series is formed of thin tablets of wood, each of which has two holes pierced through it, one near either extremity, so that two thongs may be passed through all the laminæ; and when these are tied the instrument closely resembles a modern book, and may be opened in the same manner to consult the inscriptions on the sides of each tablet or leaf.^a

The size of the calendars varied vastly, for the boxwood tablets of one of the last-mentioned kind exhibited to the Society are scarcely five inches long by two inches wide, and about a sixth of an inch in thickness, so as to make an almanac convenient for the pocket. Two of the Primstaves in the Museum of Northern Antiquaries at Copenhagen, of which I have procured rubbings, are respectively four feet eight and a-half inches, and three feet eight inches long, and the instruments exhibited are quite as long. The fine enamelled staff, to which I shall have occasion to recur, is nearly as long as the first.

The contents of the almanacs, so to speak, in the inscriptions also differed in an endless manner. Some were more complete, others less so, according to the desires and tastes of their makers. And here is a point which should be understood, and which will help to explain some of the peculiarities noticed in the Runic Calendars, as well as in the Staffordshire Cloggs; for they were not *manufactured* in our modern sense of the word. They were in use long before the idea of manufacturing in that sense had been entertained. They were not exact copies of one another, as objects cast in moulds, or as impressions derived from a set of

^a "From the very oldest times, the Northman had his own perpetual calendar, carved with runes and other marks, commonly upon a flat board, or upon a stick or staff. It was therefore usually called Runestaff or Primstaff, from the word *prim*, which means the same as what in Catholic Calendars is called the golden number. We sometimes find employed for this purpose thin slips or leaves of wood or bone, and more lately parchment-leaves which folded up like a book. Not seldom these marks were inscribed on weapons, tools, furniture, and ornaments—for instance on the lance-staff, axe-shaft, and slight boxes, &c." (Frithiofs Saga, translated by George Stephens, Stockholm, 1839.) In this translation is inserted a "description of Ingeborg's arm-ring," mentioned in the poem, by Bror Emil Hildebrand, now the Royal Antiquarian of Sweden, who gives a short account of Runic Calendars, with an engraving of a beautiful *design* made by his predecessor in office, Professor J. G. Liljegren, to show the probable form of a heathen Runestaff.

The Rose so brightly blooming there—
She hight was INGEBOURG THE FAIR.

types are. But they were made by the hand, and the makers in general formed them each for his own use, according to his own skill and according to the idea of his own wants. It may also be safely concluded that at least some of them were made by those who could neither read nor write. They are, generally speaking, inventions intended to dispense with these arts, and to be used by those ignorant of them. The Calendar, however, preserved at Bologna has been produced by an accomplished artist. This is probably the finest and most complete example of a Runic Calendar that has come down to modern times, and is on that account the fittest to engage our particular attention. It has been illustrated so copiously and with so much pains and learning by Dr. Luigi Frati, the Conservator of the Museum to which it belongs, that his elaborate Memoir must remain one of the text-books of the subject.* The Calendar itself is composed of eight separate wooden tablets or laminæ engraved on both sides with a considerable number of *figures*, and with rows of Runes. It bears the date 1514, and is quite a work of art, having engraved upon it the name of its owner and also of the artist who wrought it. The two outer tablets form the boards or covers of the book, but they are both filled with carvings without and within, and the six others are devoted to the twelve months of the year, one month on each side of each tablet. The outside of the first board is adorned with a sculpture of eight figures, representing the descent from the Cross, with a beautiful border running round. Under this group is inscribed,

m.d.xiv. aVe maria.

On the inside of this first tablet at the top appear the names of the person for whom it was made, and of the artist who engraved it. The reading of this inscription is not quite certain, but Dr. Frati deciphers the first to be MOISE ANTHOIN NEFORJET, and the latter SIMON VINCENT DE MACONE. Below these names is a paschal cycle in Runic characters. This is the *Annus Magnus*, which bears other names after its inventors, and is formed by the multiplication of the solar cycle, so called from *dies solis*, which is the revolution of twenty-eight years, and brings back the dominical letters to the same days of the month, with the lunar cycle of nineteen years, thus producing a period or cycle of 532 years. Since the Gregorian reformation of the calendar in 1582, the paschal cycle has become useless, therefore it does not appear upon the later almanacs. This table for determining the period of Easter is very neatly arranged in the spaces produced

* Di un Calendario Runico della Pontificia Università di Bologna. 1841. Quarto. Con tavole viii.

by nine horizontal lines and nineteen perpendicular ones crossing them at right angles, and is formed of Runic cyphers from 1 to 19. At the left-hand head of each row of cyphers is placed one of the first seven letters of the alphabet in Romano-Gothic characters, to indicate the days of the week; and below the table of cyphers are placed two rows of similar letters representing a solar cycle. This table is of incised characters, which are filled in with a blackish substance.*

The arrangement of the engravings on the six following tablets, each of which contains a month on each side, making twelve months, is this:—Three-fourths of the space at the upper part is devoted to the sculpture of a series of images of the principal saints of the church whose anniversaries fall during the month. These personages receive a copious illustration, the figures of each being given with accompanying symbols, and are represented in the most perfect manner in low relief, not in the abridged form of the Clogg Almanacs by the mere symbols alone. For instance, on March 7 is delineated St. Gertrude the Virgin, in her costume of Abbess of Nivella, and holding a prayer-book in her right hand, whilst a long-tailed rat is leaping up to her on each side, to indicate the temptation by the devil in the form of a rat, which some have related of her. On the 23rd of April, a day which may be of more interest to the Society, St. George is depicted as a Roman warrior on horseback slaying the winged dragon, not by thrusting his spear down its throat, but, in a still more efficient manner, by piercing it through the abdomen with his *hasta*, the blade of which, having penetrated the animal in a prone posture, has passed some distance out at its back. The whole of these figure illustrations, which amount to perhaps one hundred and fifty, are executed in an elaborate manner in the style of the period, and receive the most complete explanatory commentary from the learned author of the treatise now quoted.

Beneath these figures in relief is placed a row of Runic characters for the seven dominical letters for each day of the week, and so on from week to week throughout the year. These Runes do not correspond to the Roman dominical letters and not quite closely to the Runic alphabet of Olaus Wormius, according to the copy which Dr. Frati has placed at the bottom of his table i., to which he has added the powers of each letter in Roman capitals. Signor Frati at once saw that the first of these Dominical Runes Ψ , Fé, indicating the first day of the week, which is here Monday, must be equivalent to A, and he properly regarded it as the representative of the Latin F, from its resembling the Rune for F in Worm's alphabet. The second \mathfrak{D} , Ur, he says perhaps corresponds to V. His words are

* It should be recollected that this calendar does not belong to a pure Rune district; and it may be regarded as in some measure transitional, standing between Runic and Gothic letters.

these:—"Ma non pare da tacere che le cifre runiche del nostro Calendario non rispondono alle lettere dominicali Latine; perocchè la prima cifra di questa serie cioè la *ƿ*, invece di rispondere all'A, risponde al F dei Latini, come è manifesto dalla fig. 4 della tav. i. La seconda cioè la *ŋ*, forse al V, e così dicasi delle altre. Ho detto forse, perchè alcune di queste (e ciò valga ancora per le 19 del ciclo solare, di cui queste sette fanno parte) sono conformate diversamente dalle vere lettere runiche." It is immediately apparent that the Runes for the dominical letters, which Dr. Frati regarded as strange upon the Bologna Calendar, appear again and in the same order upon the Danish Primstaff, figured in our plate, and upon all other Rune-inscribed Primstaves. Further inquiry shows that these are *true Norse or Scandinavian Runes*,^a and that the seven characters in question are the seven first letters of the Runic alphabet. The peculiarity is this—that the Runic alphabet, which originally consisted of fifteen or sixteen letters, has not the same order of letters that prevails in others. The first seven letters are not A, B, C, D, E, F, G, but *ƿ* Fé, *ŋ* Ur, *þ* Thurs or Thorn, *ᛦ* Os, *ᚱ* Reid, *ᚷ* Kaun, *ᚹ* Hagl; corresponding to our F, U, TH, O, R, K, H. These letters were employed, like those of the Greeks, as well for the signs of numbers as of letters, *ƿ* 1, *ŋ* 2, *þ* 3, *ᛦ* 4, *ᚱ* 5, *ᚷ* 6, *ᚹ* 7. The difficulty is thus entirely removed, and the reason for the employment of these Runic characters for the Dominical Letters explained. It is not the Alphabet but the Futhork which is employed for this purpose.

There is one singularity that perhaps may be named in this beautiful Runic Calendar which has not attracted the attention of Signor Frati, although in a former part of his work (p. 11) he tells us the Danes consecrated the first day of week to the Sun, as the greatest of the gods, and called it Sunday. This singularity may be noticed here, although somewhat interrupting the explanation of the Bologna Almanac. It is this, that the dominical letters are so arranged as to begin the year and also the week with Monday. *ƿ* Fé is appropriated to Monday, *ŋ* Ur to Tuesday, *þ* Thurs to Wednesday, *ᛦ* Os to Thursday, *ᚱ* Reid to Friday, *ᚷ* Kaun to Saturday, and *ᚹ* Hagl to Sunday, apparently making Sunday the seventh day of the week. In all the Staffordshire Clogg Almanacs that I am acquainted with, the year and week are made to commence with the Lord's day, or Sunday. When it is recollected that all these instruments are really perpetual almanacs, in which the days of the week change from day to day every year, it is seen that it is of no importance by which letter the year or the week is made to commence upon the almanac. In fact the same

^a There is no instance known of a Runic Calendar inscribed with Anglo-Saxon Runes.

Rune represented different days in different years, and even in the same year when leap year. In the figure of a Runic Almanac used in the isle of Ösel, which belongs to Sweden, and is in the Baltic, on the coast of Esthonia, the weeks are made to begin with Monday and to end with Sunday. This example is a small Lunar Calendar of thirteen four-week months, consisting of twenty-eight days each. The runes for the dominical letters are so arranged that each month and each week begins with *Þ*, Fé, for Monday, and ends with *✱*, Hagl, for Sunday.^a Such is also the case with my enamelled Runic Primstaff and in many others, the week always beginning with Monday. But in other examples, as the two of which I have impressions from Copenhagen, the year and the week commence with Sunday, although the seventh letter of the alphabet is still appropriated to it. Hence it may be concluded that *✱*, Hagl, which is formed by a figure of the radiant sun upon a notch or staff, although the seventh letter of the alphabet, had become in some way associated with Sunday; some making their calendars to begin with it, whilst others made them to begin with *Þ*, Fé, the first letter of the Runic alphabet. Even in the case of the Danish example which has the days marked by notches merely, every week is made to commence with *✱*, Hagl. Wolff, a writer who will be referred to shortly, errs in saying that the division of the week always commences with *✱*, Hagl. The year, and therefore week, is made to begin with *Þ*, Fé, in his own Runic Calendar.

To recur to the description of the Runic Calendar at Bologna. Many of the Runes of the first row on the tablets are distinguished by being preceded by a short horizontal line or notch. This is regarded by Dr. Frati to indicate the days

^a This calendar is engraved in the "Gentleman's Magazine" for 1812. Supp. lxxxii. Part i. p. 625. It has a number of "mark-days," distinguished by crosses and various other symbols. The communication upon this small Runic Almanac is introduced by a quotation from a work entitled a "View of the Russian Empire during the Reign of Catherine the Second, and to the close of the Eighteenth Century." The author of this book was William Tooke, F.R.S. "The boors of Asel make a calendar for themselves. For this purpose, as they cannot write, they have from time immemorial made choice of certain signs, which they mark in an artless manner on seven narrow flat sticks tied together by a thong passed through a hole at the upper end of each. More properly the inscription is on thirteen sides; on each side is a month consisting of 28 days. By this calendar they know at once every week-day, every immovable festival, and every day that is memorable among them by any superstitious rites, for each has its own peculiar sign." (Vol. i. p. 181.) The writer then adds that the islanders adopt the practice of the Hebrews, by beginning their books where we end them, and read from right to left. In fact, the Runes on the example figured in the magazine are of the retrograde type which will subsequently be noticed, though corrupt in some of the forms. The correspondent who communicated this quotation mentions an interesting fact, that these Runic Calendars, engraved upon slender leaves of wood, were at that period used in the neighbouring isles of Runö and Maon, and they still continue to be used in remote provinces.

of bad augury. If so, the commencement of January seems to have been an evil time, for all the first seven days have the warning notch. In the Danish example I have mentioned the dominical signs are devoid of these lines.

In the Bologna Calendar there are no less than three separate rows of Runic figures or cyphers, standing below that row which represents the dominical letters. The first has the nineteen cyphers of the lunar cycle or golden number, arranged according to a certain order throughout the year, for the finding of the new moons; and the second is subservient to the same purpose. The third and lowest series, composed of the same nineteen Runic numbers, Dr. Frati was not able to explain, but it seems probable that it also has some application to the lunar cycle.

The last of the tablets of this fine Runic Calendar is filled on one side with a sculpture representing Christ, the Twelve Apostles, and the Virgin; and, on the other, with three rows of Runic characters, with a scroll ornament, an inscription, and a number of symbols. The first row of Runes is a series of nineteen figures of the lunar cycle, placed in the order of sequence, from one to nineteen; and the two others present the solar cycle in Runic letters, the duplicates for the bissextile years being placed above the others. The inscription is in Romano-Gothic characters, and is the usual invocation of the artist, expressive of his gratitude at the completion of his work. It is in four lines, which read from left to right, beginning with the fourth or bottom line, and ending with the first or top line:—

en.
sti tu micerere mei am
u xpi qui me forma
Corpus dni nri iec

That is, *Corpus Domini nostri Jesu Christi, qui me formasti, tu miserere mei. Amen.*

The twelve emblems are arranged in two lines, so as again to commence with the lower line, but at the right-hand extremity. They signify the twelve principal feasts of the year, some moveable and others not moveable, one of which falls in each successive month.

It would be easy to dwell much longer on this beautiful Runic Calendar, which is the finest and most elaborate that has come to my knowledge.^a Its learned commentator refers it with much confidence to Gallia Belgica Secunda, or Belgium,

^a Olaf Worm gives a wood-cut of another beautiful example of a small Runic Calendar in this book form. It was made on nine square leaves of box, and adorned with fine figures, just like that at Bologna.

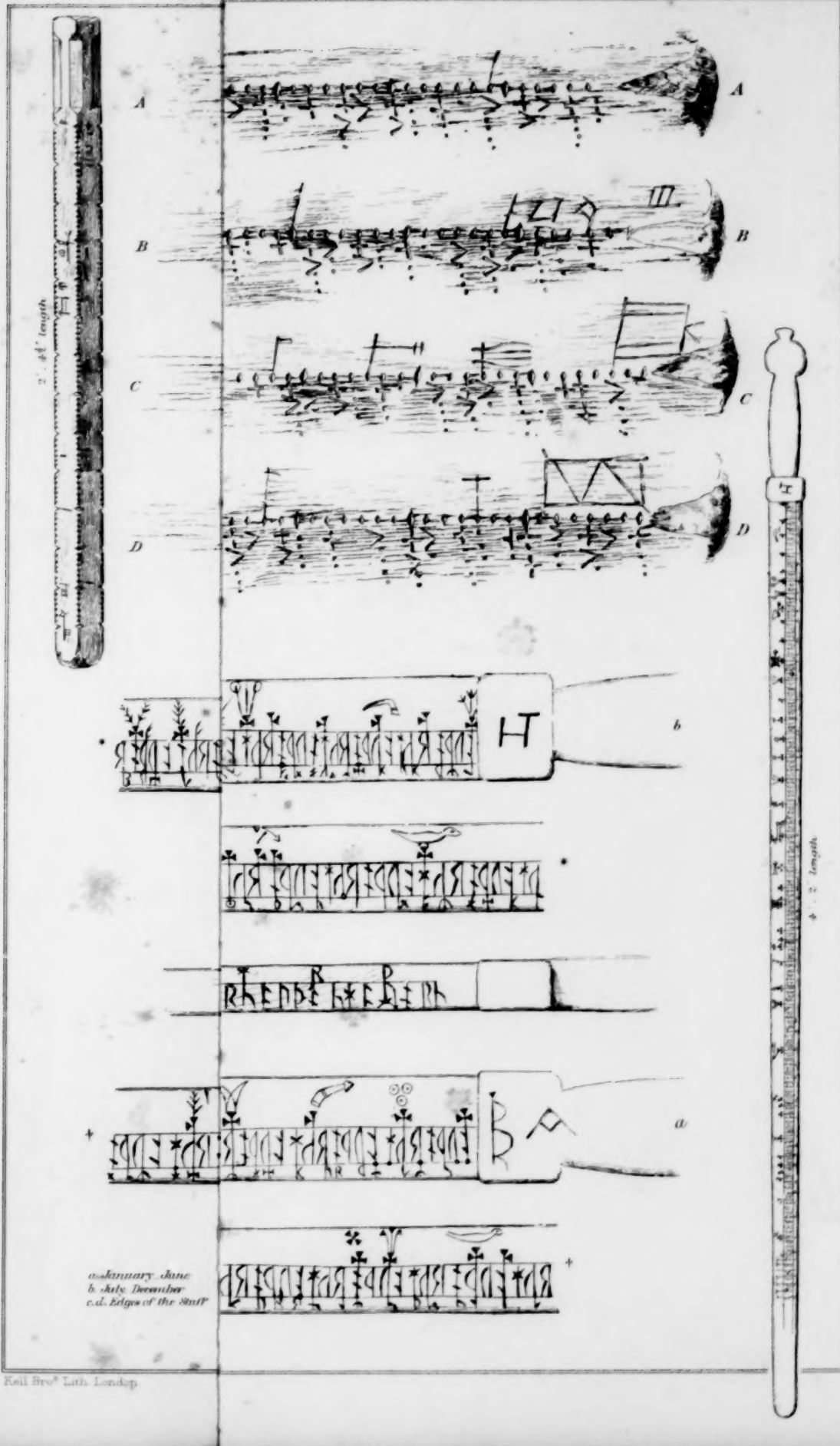
and thinks it most likely to have belonged to the diocese of Rheims. This would appear like an anomaly to find a Runic Calendar out of the proper field of their origin, the Scandinavian North. It has been conjectured that the almanac might have had some connection with Christian II. King of Denmark, who had a family alliance with Charles V, and who retired to the Low Countries after he was deposed, about A.D. 1521. But the date of the almanac is a little too early for this. The conclusion of Professor George Stephens, of Copenhagen, the very eminent Runic scholar, for which I am indebted to the great courtesy of that gentleman, solves the difficulty. It is that this calendar is derived from the Normans of Normandy, just in the same manner as our English ones from the Danes. This view is confirmed by the discovery of another example, of about the beginning of the 16th century, at Paris, by the late Councillor Thomsen. It should not be overlooked that the diocese of Rheims adjoined Normandy, which agrees with Signor Frati's view, for the saints of the diocese could not be strange to that country. The attribution of the Bologna Calendar, directly or indirectly, to the Normans gives further confirmation to the opinion that Runic Almanacs owe their origin to the Scandinavians, both in England and wherever found; and that their lineal descendants, the Staffordshire Cloggs, are from the same source.

A remarkable and almost unique Runic Primstaff has recently fallen into my hands which must be mentioned here, but which ought rather to form the subject of a separate communication at a future time. It is one of those made in the form of a walking-stick, and referred to by Olaus Magnus as used by the Swedes, "significantly termed *Baculi annales*, with which the *Laics*, being sustained in their long journeys to *Church*, at their weekly congress did usually debate and conclude from them the *Lunar conjunctions* and *oppositions*, and thence the moveable feasts." It contains six months on either side, each being separated from the other by a little star-like ornament. The 1st of January is the Rune \mathfrak{F} , Fé, for Monday, which is surmounted by a small cross to indicate the commencement of the year. Below the row of well-executed Runes, for the dominical letters, is another row of Runic cyphers, for the golden numbers. And above the dominical letters there is a considerable number of symbols painted in brilliant colours, which brings this Runic Calendar, in point of execution, the nearest of any to the Bologna one. The symbols refer to the feast days of the saints, and many of them to the seasons. On the 25th of April there is a little bird singing on the branch of a tree; on the 9th of June an angler seated upon the ground plying his art; in the middle of July a scythe indicative of haytime, and a few

days later a rake, with a cluster of stars above it, pointing to the sunny days ;^a at Martinmas a goose ; and Christmas is fully proclaimed by a series of cornucopias and other signs. The letters for the 25th, 26th, 27th, and 28th of December are each marked with a cross at the top. The first cornucopia is placed on the 21st, St. Thomas's day, the time for brewing the Christmas ale. Five others succeed ; the first of these being preceded by an infant Christ wearing a glory. New year's day has two cornucopias, one across the other, to mark its festivities ; the 6th of January a single one, and on the 13th the horn of plenty is reversed, to show the conclusion of the feast. The symbols bearing reference to the saints and martyrs are singular and numerous, and are placed over the days of their respective festivals in the usual manner. At the lower extremity of the staff on one side the signs of the Zodiac are painted in bright colours with twelve Runes placed under them ; on the other side the solar cycle and the bissexiles in Runes. This peculiarly fine Runic Calendar is enamelled on copper, and bears no date or initials, but appears to have been enamelled in China, as the handle of the staff is decorated with a brilliant pattern in enamel having the character of Chinese work. Its late owner, Joseph Marryat, Esq., thought it probably of old Dresden manufacture, and the previous possessor considered it of Persian origin. Mr. Franks regards its date to be anterior to the year 1700. It is tolerably certain that it was enamelled in China from a Scandinavian original. When the Swedish East India Company was important there, they had a director resident in China, who had many things made by Chinese artists from Scandinavian originals. The same was the case also with the director of the Danish East India Company.

Of the three other examples of Runic Primstaves, exhibited at the reading of this Paper, two belong to Joseph Mayer, Esq. F.R.S. Local Secretary for Lancashire, and the third to St. John's College, Cambridge ; this last is in the form of a sabre, with ornamental carving on the handle. It bears some dates. On one side 1667, on the other, upon which the calendar begins, 1672 and 1688-89. Of the two fine specimens from Mr. Mayer's collection, neither of which are dated, one is a hexagonal Primstaff, with interlaced carving on the pommel ; the other, which appears in Plate XXI., is square with flat sides, and bears the former owner's initials.

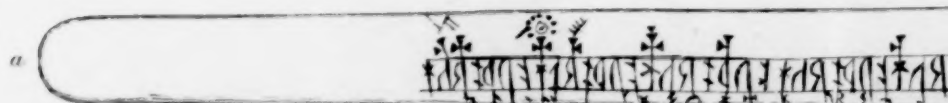
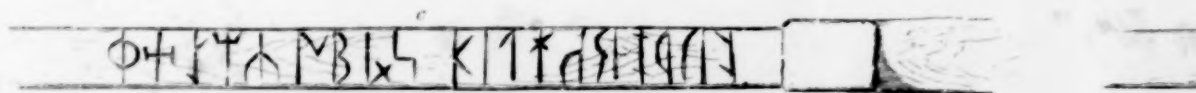
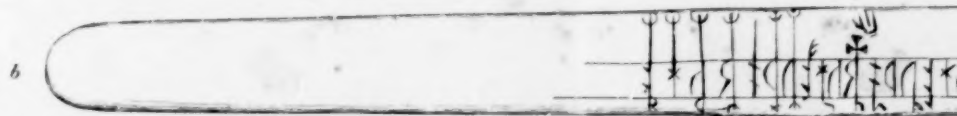
^a Upon the Staffordshire Cloggs the place for the rake, emblematic of haytime, is earlier, namely, on the 11th of June, as is very conspicuous upon the large Clogg of the British Museum ; which shows that this enamelled Runic Calendar was fitted for a more northern clime, in fact, that it is a Scandinavian example.





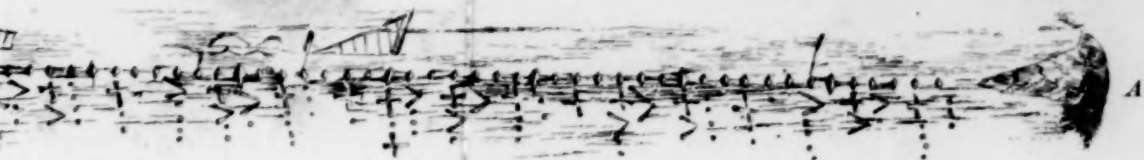
CLOGG ALMAN

A Jan^r. March. B April. June. C July. Sep.



a. January. June
b. July. December
c. d. Edges of the Staff

RUNIC PRIMST



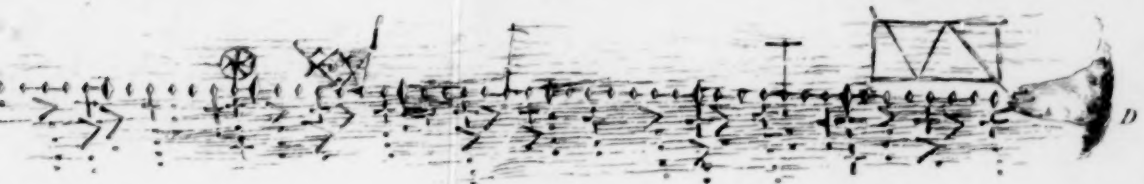
A



B



C

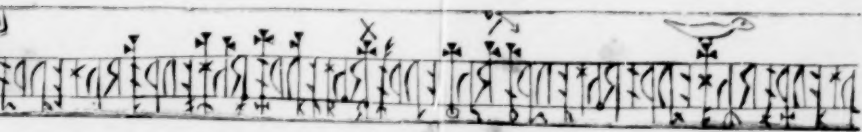


D

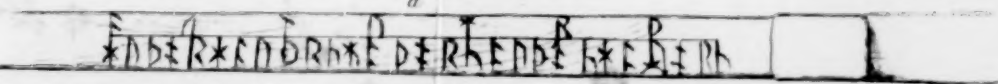
LMANAC.
C July. Sept. D Oct. Dec.



b



d

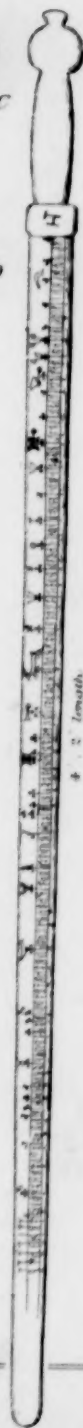


a



M STAFF.

aries of London, 1868.



In the great Museum of Northern Antiquities at Copenhagen there are about twenty of these Runic Primstaves, impressions from three of which I have procured by the great politeness of Captain A. P. Madsen, the distinguished Danish Antiquary. The first is one of those to which the name Primstaff is most appropriate; it is formed of a long flat piece of wood, 4ft. 8in. or 56in. in length, and nearly an inch in thickness. It has a long handle, like the hilt of a sword, and is covered with Runic characters on both sides, with some symbols, a few of which also occur on the edges. The Runes on each side are in this way made to refer to the two halves of the year. The handle or hilt of the sword, like the rest of the Primstaff, is covered with Runes on both sides, which Runes are read not as in the case of the Staffordshire Cloggs, but by holding the instrument in the right hand. Those on one side of the handle, consisting of nineteen characters, represent the Golden Number running from one to nineteen. The Runes on the opposite side of the handle are more numerous; they are twenty-eight in number, and refer to the solar cycle, which was employed to find the dominical letter of each year.

The cyphers employed here and in the Primstaff next described (see Plate XXI.) do not quite agree either in form or sequence, beyond the first seven or eight letters, with the usual Runic Futhore Alphabets. Professor Stephens, however, in his learned and laborious work on "The Old Northern Runic Monuments," in course of publication, has preserved (Part I. p. 104) a Scandinavian Futhore of nineteen letters carved on the stone font (probably of the twelfth century) of the church at Börse, Sealand, Denmark. This tallies very nearly with the Primstaff series of numeral letters, the main difference being that, while the letters found on the font read from left to right, the Primstaff characters are mostly inverted and read from right to left. The correspondence between the two will be plain, on comparing the nineteen Golden Number Runes in our plate with the following facsimile of the font inscription, which is given from Professor Stephens' book, together with the powers which he there assigns to each letter :

P A D F R Y * K I J H T B I Y A T X Φ
 F U b O R K H N I A S T B L M E D G E

The central rows of large Runic characters on each side are, as already mentioned, devoted to the dominical letters; and the row of figures in Runes above them represents the lunar cycle. The letters are the same as those on the Bologna Calendar, and are northern Runes. Although the symbols indicating

the principal feasts of the year are chiefly limited to crosses, this example must be regarded as a fine Primstaff.

Mr. Mayer's Primstaff is extremely like that last described. The arrangement of the two flat sides, with the dominical letters in the central row, the lunar cycle below, and the mark days above, is the same in both calendars. The series of Runes for the nineteen golden numbers and those relating to the solar cycle are placed on the edges instead of on the handle of the staff. (Plate XXI. gives them in juxta-position.) The Runes read from right to left both in this and in the Copenhagen example, and correspond in figure very nearly to the Wend-Runes (retrograde Runes), given by Professor Stephens (Part I. p. 99); the first seven letters of which series, with their powers, are here copied from his work.

X > ʀ ʁ ʑ ʒ ʔ
G C R Æ þ U F

Each of the sides is appropriated to six months of the year, divided thus: January 1 to July 1, inclusive; July 2 to December 31, inclusive. The insertion of the 1st day of July at the end of the first half-year would seem to be with the view of recommencing the series of Sunday letters on the second side of the staff with the *ʔ*, the first letter of the Futhorc, which begins the year on the first side.*

The principal symbols of the mark days are as follows:—

January 1. Circumcision.—A cross marks this and the other ordinary festivals, most of which can easily be identified on reference to an ordinary calendar.

January 6. Three circles or crowns for the Three Kings.

January 13. St. Hilary.—The inverted horn signifies the end of Christmas, as on the enamelled Primstaff.

January 25. Conversion of St. Paul.—A sword.

February 2. Purification of the Blessed Virgin Mary.—This and all feasts of the Blessed Virgin, as Annunciation, March 25; Visitation, July 2; Assumption, August 15; and Nativity, September 8; are marked by a triple branching device, probably meant for a lily.

February 22. Cathedra Sancti Petri.—A key.

February 24. St. Mathias.—The fish may refer to the commencement of the fishing season.

* By an inadvertence, the January-July side of the staff has been represented in plate XXI. beneath the July-January side. The former side is indicated by the capital A carved on it.

April 14. St. Tiburtius and Valerianus.—The northern name for this day, according to Professor Munch, in the Popular Calendar cited presently, is Sommers Dag. The symbol, as here, a leafy bush.

April 25. St. Mark.—The bird-like figure may possibly refer to the dragon carried in the procession of the Litanía Major on this day. See Hampson "*Medii Ævi Kalendarium*," vol. i. under St. Mark.

May 1. St. Philip and St. James.—A tree.

May 3. Holy Cross Day.—A cross.

May 18. In the Ösel Calendar, referred to above, this day is marked by an ear of barley, and the explanation given is "Now Barley sprouts." The present symbol might be an ear of corn.

June 24. St. John the Baptist.—A sun.

July 22. St. Mary Magdalene.—Symbol doubtful.

July 25. St. James.—Symbol doubtful.

August 10. St. Lawrence.—A gridiron.

September 14. Exaltation of the Holy Cross.—A cross.

September 21. St. Matthew.—The stag had probably some allusion to the hunting season.

September 29. St. Michael.—Possibly the trumpet of the Archangel.

October 7. Quære.

October 14. St. Calixtus; called by Munch "*Winternight*."—A pine tree.

October 18. St. Luke.—A double cross.

October 22. The Eleven Thousand Virgins.—Symbol doubtful.

October 28. St. Simon and St. Jude.—A branch.

November 11. St. Martin.—The goose, eaten on his day.

November 23. St. Clement.—An anchor.

November 30. St. Andrew.—The cross of his martyrdom.

December 21. St. Thomas.—Symbol resembling a hand.

The Christmas feasts are all marked alike with a semicircle on a straight stroke.

The second impression of a Primstaff, in the Copenhagen Museum, about a foot shorter, is of a simpler kind, and differs from the former in having its long central marks for the days of the year reduced to straight notches, save the Sundays, which are indicated by the letter *, Hagl.*

* There is an engraving of a portion of a Runic Calendar in the *Archæologia*, vol. I. p. 183, appended to Mr. Samuel Gale's Dissertation upon the Horn of Ulphus, preserved in York Minster. It presents the Runes of the days from the 20th of December to the 14th of January. From the 21st of December, or St. Thomas's day, to the 6th of January, or Twelfth day, they are marked by horns standing upright,



Another variation occurs in the form of these instruments, which, in truth, takes them out of the category of staves altogether, for they are reduced to flat oval rings of wood, upon the two sides of which the winter (for the year began with winter) and the summer months appear; the notches for the days are placed in regular order, together with the symbols for the "mark-days." The woodcut is taken from a rubbing of one side of one of these oval "Messedag" Almanacs in the Copenhagen Collection. It simply marks the days of the half-year by notches, to which are added hatchets, as indicative of martyrdom, crosses, and a few other symbols to point out the saints, to which particular days are dedicated, or the "mark-days."

II. At this point it must be remarked that we have insensibly glided into the second kind of wooden calendars, for the Messedag Staves, or carved rings of wood referred to, are not furnished with any Runic characters. We have passed the period of Runic Calendars, and reached that of CLOGG ALMANACS, or runeless calendars, both of which should be kept clearly distinct. It may be satisfactorily concluded that the former, both

Christmas day being distinguished by two, one inclining each way, to indicate the great festivities of the day. And on the 13th of January the horn is reversed, unequivocally signifying the finishing of the Christmas ale. St. Thomas's day is sometimes marked upon the Cloggs with the emblem of a barrel, to denote the brewing of the Yule ale, and Twelfth day is at times equally expressively indicated by an empty barrel.

^b The name of "mark-days" appears to have been first attached to certain days of the year indicative of the seasons, or the coming state of the weather, and the signs of the prosperity of the year, before they were appropriated to the Christian saints, which, in fact, was an adaptation or accommodation of the priests. According to ancient laws of the church these were obliged to "cut out staves," that is, to send out through their districts staves of message, in the shape of crosses, in good time previously to every festival, and they were responsible for its due notification. An old Norwegian law propounds, "if any feast be wrongly

in Scandinavia and in England, are much the older of the two; and that the runeless calendars, in both countries, also are their more modern successors. The annular or collar-shaped form is only one of the numerous shapes they have assumed. In the Copenhagen Museum there is an almanack of this kind, without Runes, which is merely a circular disc of wood, with the notches for the days cut all round the outer edge. It would be an error to suppose that the period of transition from one kind of calendar to the other was clearly defined, either in one country or the other. We have already mentioned a Runic Calendar, probably of English origin, bearing the date 1667, and have seen a fine one belonging to the Museum of National Antiquities of Sweden, dated 1636, another dated 1680, and a third with the date 1714; the date of the Bologna example is 1514. The oldest dated Clogg Almanac which has come to my knowledge is marked 1589; my own is, I believe, 1653; that in the Bateman Museum, 1626; and the date of Plot's "*Natural History of Staffordshire*," when they were still in use, is 1686. We cannot procure more definite data for fixing the transition from one kind of instrument to the other than these. And from these we are only able to say that the principal period of transition was the sixteenth and seventeenth centuries. In England both kinds of instruments are now wholly extinct for almanac purposes; but this is probably not the case in

notified, the priest shall either run or ride in the direction of the messenger and try to overtake or stop him, so that people do not eat or work at a prohibited time."

Another Messedag Staff, of exactly the same oval ring-like form, a Norwegian example, is delineated on both sides in a little Norwegian Almanac for 1848 (*Norsk Folke-Kalender for 1848*. Christiania). This publication, which is similar to the English "*Companion to the Almanac*," contains valuable essays upon almanac subjects by eminent men. The figures alluded to are given in illustration of an excellent communication, entitled "*Om vore Forfædres ældste Tidsregning, Primstaven og Mærkedagene*," or "*Upon our forefathers' oldest mode of reckoning time, Primstaves and Mark-days*," written by the late Professor P. A. Munch. This latter Messedag Almanac bears a date on the winter side in Arabic numerals, 1651, and, on the other side, the initials of the owner B. H. S. Besides which, on the outer edge of the ring of wood, there is an inscription to this effect: "*Here may we learn the season of the year and the Roman holy-days, their name and time of year.*"

There is a good deal of illustration of Runic Calendars in J. G. Liljegren's *Run-Lära* (Stockholm, 1832), in the xiith Section, p. 194, with figures given in Pl. viii.

[Since this paper was read the Paris Exhibition of 1867 has taken place. In the department devoted to the "*Histoire du Travail*," there were exhibited above a dozen Primstaves or Runic Calendars, from both Stockholm and Copenhagen. The dates upon these Runic Calendars ranged between 1636 and 1714. One of these, of which Mr. Franks procured rubbings, is deserving of notice, as furnishing a new intermediate type. It is a wooden ring almanack of large size, being twenty-three inches long by five inches across at the widest part of the oval. It is carved both with Runes for the days of the week and the usual symbols for the mark-days.]

Scandinavia, where the runeless ones are most likely still in use in some remote districts, if the Runic Calendars themselves should have wholly ceased to be used.*

The earliest and best account of Clogg Almanacs is that given by Dr. Robert Plot, as above-stated, in his "Natural History of Staffordshire." It commences in a manner quite characteristic of that writer's style. He says: "First as to the divers *names* of them, they are here called *Cloggs*, for what reason I could not learn, nor indeed imagine, unless from the *English Logg* (a *term* we usually give any piece of wood), or from the likeness of some of the greater sorts of them to the *Cloggs*, wherewith we usually restrain the wild, extravagant, mischievous notions of some of our *doggs*."—p. 419. Plot speaks of examples of these perpetual almanacs made of brass, and particularizes one of this kind as sent him "by the most ingenious *Charles Cotton*, of *Beresford*, Esq.," the poet, associated with Walton, in "The Compleat Angler." Plot, as already mentioned, gives an

* There is a little work which bears reference to Runic Calendars, in which mention is made of the daily and ordinary employment of one of these instruments by a Norwegian farmer during this century. Mr. Wolff, the author, says, "Un de mes amis en Norwège m'assura qu'il rencontra un jour un fermier dans le Gulbrandsdahl, ou vallée de Guldbrand, qui faisait régulièrement usage d'un de ces calendriers pour ses occupations journalières, et quoiqu'il eût un almanach chez lui, il donna la préférence à son vieux Rimstok qu'il connaissait depuis long-tems presque par cœur, ainsi que les lettres runiques." (Runakefli, Le Runic Rimstok, ou Calendrier Runique, &c. Par Jens Wolff. Paris, 1820. p. 37.) That portion of this little volume, which refers to the Runic Calendars, contains two large engravings of the two sides of a Rimstock which was presented to the author at Trondheim, on the other side of the Dovrefield, by a friend who had a collection of antiquities. This Runakefli (in Islandic, *baculus literis inscriptus, claviculus runicus*) receives full illustration from Mr. Wolff. Besides the succession of rows of Runes and symbols running through each half-year, the calendar presents an oblong compartment, which Mr. Wolff entitles "Signes du Zodiaque." This contains four lines of Runes, zodaical symbols, &c. for each half-year. But below these there is a line of characters unnoticed and unexplained by Mr. Wolff, which has nothing to do with the zodiac. It is occasionally seen upon Runic Calendars, and presents our Scandinavian predecessors in a very pleasing light. It consists of a series of crosses and upright lines, arranged in a particular order for a game, which has been named after St. Peter, in Swedish "Sankt Paders Lek." Those who have spent their early youth in one of the Danish districts of England, as in the neighbourhood of York, do not need to be told what *laking* is (to lake, to play. *Leka*, Sw. *Lacan*, A.-S. *ludere*). [See Worsaae's "Danes and Norwegians in England," &c. p. 84.]



The story is that St. Peter, when at sea, was in such danger of being shipwrecked from a storm, that it became necessary to throw a part of the passengers and crew overboard, in order to lighten the ship, and save the lives of the rest. There were thirty persons in the whole, one half Christians and the other half Jews. St. Peter, with the object of saving the former, arranged the whole in a row so cleverly, that, by taking every ninth man, all the Christians, distinguished by crosses, were saved, and the Jews alone drowned.

excellent figure of the four sides of a family Clogg, and speaks of others in the museum at Oxford. His figure, which has been so repeatedly copied, should not be misunderstood. It represents the four angles of the square Clogg, as Plot says, *in plano*, i.e. all seen at one view. I believe it is the picture of the brass Clogg given him by Cotton.

Dr. Plot maintains a high character for our Clogg Almanacs over the Runic Calendars, for, when speaking of the change of the dominical letters, by reason of the years receding on the days of the week as they revolve—in other terms, each succeeding year beginning on the next day of the week, and so altering the dominical letters—he says, “*Our ancestors*, I suppose, did not think it worth while to inscribe such *moveable Characters* (i.e. the dominical letters) at all upon their Cloggs or almanacks (the knowledge of the *Cycle of the Sun* too being but of little use to them), but rather to commit such an easy observation as the removal of *Sunday*, or any other day, one or two days backward, to the care of their *memories*.”—p. 421. And, again, when he treats of the mode of indicating the golden number, or cycle of the moon, on our Cloggs by means of Roman numerals, he adds, “they have a more rational orderly texture than the *Rune* upon the *Danish Rimestocks*, or the *Swedish* or *Norwegian Primstaves* . . . than which (I say) the *Symbols* set on our Cloggs have a more rational texture.”—p. 423.

In this way is seen the simplification of the Clogg, when compared with the Runic Almanac. The row of Runes for the dominical letter placed to every day of the year is left out entirely, and the golden numbers are modernised in the mode of their insertion. They have ceased to be Runic letters, having the power of numbers, and instead are expressed in Roman numerals; a change probably, after all, not much to be boasted of.* Dr. Plot enters at considerable length into the explanation of the numbers on the Clogg Almanacs. Recollecting that the golden number is a device for finding the new and full moons, arranged for the

* “The Rune-Staff has gradually undergone many changes, in consequence of attempts having been made partly to arrange it after the New Style, and partly to make it more accordant with modern reckonings. Its use was commonly known up to the commencement of the 16th Century, but was supplanted by degrees by the annual and therefore more convenient Almanacks. Notwithstanding this, familiarity with its signs was long regarded as so important, that King Karl XI. by a Royal Letter, dated July 5, 1684, issued at the request of the College of Antiquities, ordered that all such persons as exhibited the greatest skill in carving Rune-staves, and instructing the common people in their use, thus persuading them again to adopt them in general, should enjoy freedom from all payments or taxes to his Majesty and the Crown. They are now preserved as mere antiquarian curiosities, and, with the exception, perhaps, of some distant province where the peasantry may still be capable of understanding them, their explanation has fallen within the limits of antiquarian research.”—Hildebrand, *Frithiofs Saga*, p. xlvi. This statement of a learned northern antiquary and polite gentleman agrees closely with what is written in the text.

determination of Easter, and that the Julian year does not consist of an exact number of lunations, as, in truth, neither is it formed of an exact number of days, much compromise was necessary to make these terms at all agree. First, the revolution of the sun, in which he returns to the same place in the Zodiac, is three hundred and sixty-five days and about six hours, that of the moon twenty-nine days and about twelve hours; so that the moon finishes twelve lunations in a Julian solar year, leaving eleven days over. The first device was to make the months alternately of thirty and twenty-nine days, so as to use up the regular half days of the lunations. In the Staffordshire Clogg now exhibited, the golden number 1 is attached to the 23rd of January, the 21st of February, or twenty-nine days after; the 23rd of March, or thirty days after; the 21st of April, or twenty-nine days after; and so on. The year 323 was that in which the Nicene Council settled the time for the observance of Easter now followed, when was adopted a cycle that had been fixed by the Alexandrian Christians two years before; hence, Plot judiciously concluded, it is that our Clogg Almanacs mark the first day of January as the third year of this lunar cycle. As Plot justly remarks, the symbols for the golden numbers set to the greater proportion of the days "are no such *hieroglyphical characters* confusedly placed, as they seem at first sight."—p. 423. On the contrary, they are placed by rule: "Every *following* number is made by adding eight to the *preceding*, and every *preceding* number by adding eleven to the *following* one." The reasons for this rule he afterwards gives, and devotes a considerable space to the elucidation of the entire subject, into which it will not be needful to follow him here.

As already mentioned, the instruments are to be used by holding them by the handle with the left hand horizontally, the days being marked by notches on the four edges of the Clogg, each edge holding three months, the Sundays being always distinguished: in the Runic Calendars by the letter *Hagl*, which has somewhat the appearance of a radiant sun; in the Cloggs, by a deeper, a longer, or a double notch. The golden numbers pass off from the lower ends of the notches, so as to be read upon the next side of the square staff. The numbers from one to four, in the example before us, are formed by dots or depressions in the wood; 5 is represented by a V, and by the addition of dots is brought up to 9; 10 is expressed by an X, and so on until we come to 19, the highest number of the series, which is represented by two X's, one above another, with a dot intervening between them, to show that one must be deducted. In the beautiful Clogg engraved by Plot, and in Gough's example, this 19 is represented not so correctly, but simply by a double patulous cross. Indeed, the differences in

different Cloggs are frequent, and sometimes indicate the carelessness of the makers. In the Lichfield example, the 1st of April is placed at the end of the first quarter of the year, instead of at the beginning of the second; and the third quarter, July, August, and September, has ninety-one days, instead of ninety-two.* In the Clogg now before us, the commencement of the year is marked by a small rectangular cross with arms of equal length, and over the first day of every month is placed a short deep groove or depression on the upper side of the staff; upon the handle and side for the commencement of the year the initials of the owner and the date (probably 1653) are marked by little dots in the wood. In the Lichfield specimen the depression for the beginning of every month is replaced by a small cross patée. In Plot's example the first day of each month is distinguished by a little patulous dash turned to the left. In the one engraved by Gough the first of January is marked by a small circle, *in sese volvitur annus*. The Derbyshire specimen is remarkable for having the sign of the Zodiac introduced at the commencement of each month.

Lastly, we arrive at that portion of the arrangement upon the Staffordshire Cloggs which has usually attracted most attention, and obtained the first consideration. That is, the numerous symbols introduced to indicate to the eye the particular saints to whom the days have been dedicated. By means of these carvings, as already mentioned, the country in which the almanac was made may often be determined, because it contains the emblems of local saints. Probably in this place it may be well to run over the symbols upon my own oaken Clogg, Plate XXI., which has in some measure formed the chief basis of my observations, premising that the sculptures themselves are of different import. As Plot says, "some of them pointing out the *offices* or *endowments* of the Saints, before whose *festivals* they are put; others the manner of their *Martyrdoms*; and others only some eminent *action* or other *matter* some way relating to the *Saint*, or else the *work* or *Sport* in fashion about the time when the *feast* is kept."—p. 429.

January 6. The Epiphany. The Adoration of the Magi. The Baptism of Christ. The Miracle of the Conversion of Water into Wine.—A small circle, perhaps intended for a star or a crown, for the Three Kings of Cologne. (There is usually some room for fancy in the decyphering of these emblems, and also for choice in their appropriation.)

January 25. The Conversion of St. Paul.—A knife with a long blade on a line

* In the large British Museum specimen, the notches of the first quarter of the year end on the 25th of March, and those for the second quarter on the 24th of June. When we reach the third quarter the terminal notch is correct for the 30th of September. In the Cambridge example the quarters are equally irregular.

with the haft, either because he was said to have been beheaded with a sword, or because it was with this instrument that, before his conversion, he persecuted the Christians.

February 2. The Purification of the Virgin. Candlemas-day.—A long upright groove.

February 14. St. Valentine, Bishop and Martyr.—A letter with cross lines perhaps, probably indicative of the custom observed on the day.

February 24. St. Matthias, who was beheaded with a battle-axe.—The symbol is probably intended for a battle-axe.

March 1. St. David, said to have been uncle to King Arthur. The tutelar Saint of the Welsh.—From a confusion of Davids perhaps, a harp with six strings.

March 25. The Annunciation; or, Lady-day.—A long notch simply. The symbol is sometimes a heart.

April 23. St. George, probably of Cappadocia, the Patron Saint of England.—A large B, with a long sword above it, which seems to appertain rather to St. George, the military tribune who suffered martyrdom under Diocletian.

April 25. St. Mark the Evangelist.—A small irregular circle with a groove running up the centre of it, possibly for a book.

May 1. A Stem with a line crossing it, from each end of which arises a branch.—The emblem of a tree, indicative of the season.

May 3. The Invention of the Holy Cross.—A large cross.

June 11. St. Barnabas the Apostle.—A long notch, perhaps to call attention to the saint, or to signify the commencement of hay time.

June 24. St. John the Baptist.—A large axe symbolic of his being beheaded.

June 29. St. Peter.—A key.

July 7. St. Thomas-à-Becket.—A figure resembling two V's interlaced.

July 20. St. Margaret.—A large B, or perhaps \mathfrak{B} .

July 25. St. James.—A sword indicative of his martyrdom.

August 1. St. Peter ad Vincula, or St. Peter in Chains. Lammas.—A long notch.

August 10. St. Lawrence.—A gridiron.

August 15. The Assumption of the Virgin.—A mark resembling the letter P. A heart in Plot.

August 24. St. Bartholomew the Apostle.—A large knife to show the instrument with which he was flayed.

September 8. Nativity of the Virgin.—A long notch.

September 14. Exaltation of the Cross.—A fine double cross.

September 21. St. Matthew the Evangelist.—A singular symbol, probably representing a pair of balances, denoting the Equinox.

September 29. St. Michael the Archangel.—A pair of scales, a symbol for the day common upon Cloggs.

October 2. Feast of the Guardian Angels.—A large B.

October 18. St. Luke the Evangelist.—A figure like an hourglass, whether for a foot or a vase is doubtful.

October 28. St. Simon and St. Jude, Apostles.—A sign like the letter P.

November 1. All Saints.—A small irregular circle.

November 5. Not a Saint's day, but the commemoration of Gunpowder Plot, on which there was a religious service. On a notch ascending from the day is placed a tripod, upon which stands a barrel of gunpowder.

November 11. St. Martin.—A long notch, with a beak at the end of it, indicative of the Martinmas goose. The poverty of the symbols on the Cloggs, when compared with the figures on the fine Bologna Runic Almanac, though always striking, is in no instance more so than in this. The artist has there represented St. Martin seated upon a horse which is richly caparisoned, and adorned with a plume of feathers on his head. The saint wears a species of *pileus* upon his head, is clothed in a short embroidered coat and a mantle or cloak, which covers his right shoulder, but which he has dragged off the left, and holds in his left hand, in the act of cutting off a portion of it with his sword, to be dispensed to cover a naked lame mendicant standing by supported by a crutch, who seeks alms of him.

November 25. St. Catherine.—A wheel.

November 29. St. Andrew the Apostle.—Two St. Andrew's crosses.

December 8. Conception of the Virgin.—A long notch.

December 21. St. Thomas the Apostle.—A T.

December 25. Christmas Day.—A long parallelogram, with three lines running obliquely across it, most likely for the rack or manger.

The symbols upon this example are rather few; they amount to thirty-six only. Upon some other Cloggs they are more elaborately carved and more numerous. In that engraved by Plot they exceed sixty in number.

Probably enough has now been said to illustrate these curious instruments, which were of so much importance in the hands of our forefathers, who took such pains in the execution of these their diaries and calendars, and no doubt consulted them with great constancy. They have now, for a century or more, gone entirely out of use, and are only preserved as curiosities of a past age.

The proper classification of these ancient calendars will be — I. RUNIC ALMANACS.—Of these the only ones preserved are written in northern Runes; and it may be strongly doubted whether they were ever inscribed with Anglo-

Saxon Runes. I know of no such example. Hence we are confirmed as to the Danish or Norse origin of these curious instruments. Whether these true Runic Calendars were always carved with emblems upon them is not quite certain. All those with which I have become acquainted have them. II. STAFFORDSHIRE CLOGGS.—These simpler runeless instruments present symbols, but not Runes. They may, in future, be properly denominated "Staffordshire Cloggs."

The object in view has been to bring the history and real nature of these interesting antiquities as plainly as possible before the Society—to point out the great changes they underwent, particularly to show the distinction between Runic Calendars and Staffordshire Cloggs, a distinction now for the first time brought out clearly; for the latter, as we have seen, are still called "Runic Almanacs," and yet do not exhibit a single Rune.* As one whom the Society of Antiquaries has honoured by appointing him Local Secretary for Staffordshire, I have endeavoured to contribute something on the antiquities of that county in which Providence has decreed that so large a portion of my life should be spent.

In conclusion, it remains to mention the names of those, not previously alluded to, who have aided me in the preparation of this Memoir by supplying me with specimens, or in other ways, to all of whom I desire to convey my sincere thanks. Professor George Stephens, who has afforded me valuable assistance, should occupy a conspicuous position. Joseph Mayer, Esq. F.S.A., Rev. John Wilson, D.D. F.S.A. President of Trinity College, Oxford, and Local Secretary for Oxfordshire, Rev. A. Hume, LL.D. F.S.A. C. S. Perceval, Esq. Dir.S.A., Ll. Jewitt, Esq. F.S.A. Local Secretary for Derbyshire, G. T. Lomax, Esq. of Lichfield, and Thomas North, Esq. Secretary of the Leicestershire Architectural and Archæological Society, have been the principal.

* On the 20th of June, 1864, a curious Runic Calendar was exhibited before this Society. The exhibition is announced in the *Archæologia*, vol. XXXI. p. 483, as "a Runic Almanac, or Staffordshire Clogg book." This calendar belongs to Mr. William Crafter, of Gravesend. It was purchased more than fifty years ago at the sale of General Harris's collection of antiquities at Canterbury. By the politeness of its owner, who himself never considered it a Clogg, I am permitted to exhibit it again. The calendar is carefully sculptured on eleven short thin staves of wood, less than five inches in length. This wood is box. A leathern thong threaded through the two holes in each leaf fastens the whole together, and allows the leaves to be opened like those of an old-fashioned pamphlet. This calendar, in its mode of construction, exactly resembles that at Bologna. The leaves are numbered at the ends from one to eleven. It is strictly a pocket almanac. The first of January is marked by a large cross, with a radiation above it, and, as usual in the Runic Calendars, the week commences with Fé, for Monday. In the same manner, as to confounding the two classes of instruments, Mr. John Harland, F.S.A. designates his memoir in "The Reliquary" upon Staffordshire Cloggs, "On Clog Almanacks, or Rune-Stocks."

APPENDIX.

On an Anglo-Saxon Fibula in the Museum of the Society.

May 7th, 1863. Beriah Botfield, Esq., M.P., F.S.A., exhibited and presented to the Society certain objects of the Anglo-Saxon period, then recently obtained by him in the course of excavations on the line and by the side of the Watling Street, where it crosses the parish of Norton, near Daventry. These objects were:—

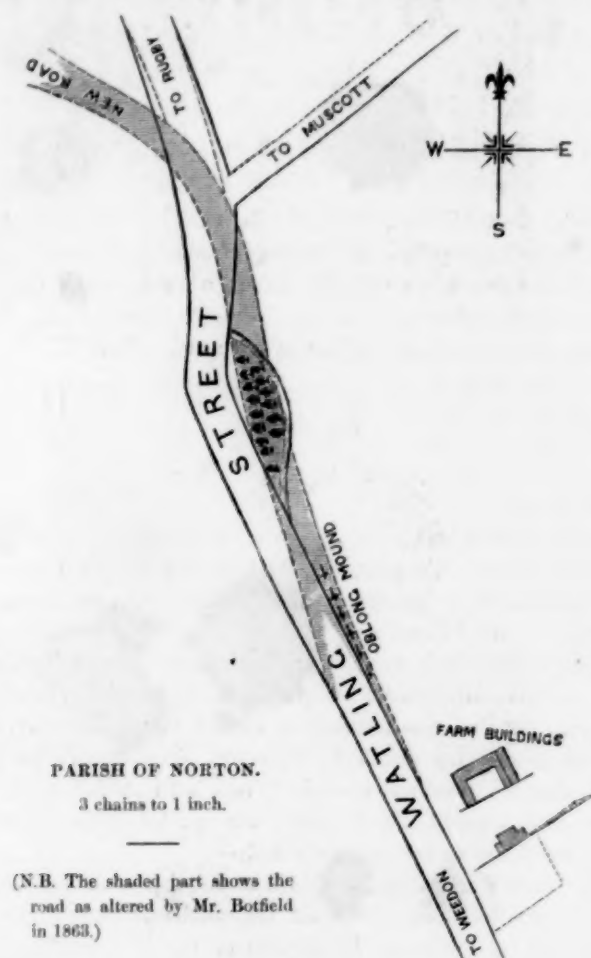
1. Fibula, cruciform, large and fine, of gilt metal. Plate XXII.
2. Fibula, dish-shaped.
3. Fibula, disc-shaped.
4. Two rings of bronze.
5. Three hooks of iron, perhaps keys.
6. Knife of iron.
7. Spindle-whorl of bone.

Mr. Botfield died in the course of the year, and, through an oversight, no record either of the exhibition and present, or of the circumstances of the discovery, was entered on the Minutes of the Society, or recorded in the Proceedings.

Attention having been called to this omission, application was made to JOHN THURNAM, Esq., M.D., F.R.S., F.S.A., to whom Mr. Botfield had given not only the skulls, in company with which these objects were found, but also some memoranda relative to the discovery, for a note on the subject. With the assistance of the Rev. T. C. Thornton, Mr. Botfield's neighbour at Norton, and of his brother the Rev. W. Thornton, who kindly supplied materials for the skeleton plan of the ground, which is given overleaf, Dr. Thurnam was enabled to lay before the Society, on November 28th, 1867, the following account of the find:—

“Up to about twelve years ago, Mr. Thornton informs me, that in the field on his brother's property, now diminished by the deviation made in the line of the Watling Street, there was a low oblong mound by the side of the hedge to the east of the road, which seems to have been about forty or fifty yards long, two or three yards wide, and about a yard high. It looked little different from an ordinary hedge-mound, and as it prevented the plough being carried up to the hedge a labourer was ordered to level it. This was in the year 1855 or 1856. In the course of this operation some graves were discovered, and five or six skeletons were exhumed. With them were some formless bits of metal and one rude bead of red amber. The graves were in a single line, and occupied a space of about thirty yards in length, and it is believed that they lay north and south with the heads to the south. The human remains were reinterred together on the spot. The graves are described as having been six feet below the crown of the Watling Street, and about twenty-five feet from the centre of that road, just outside its original embankment. The

subsoil here is a deep bed of gravel of 'alluvial drift,' so that the exact point of junction of the ancient road and the adjacent land cannot easily be made out.



"As is seen in the Ordnance and other maps of Northamptonshire, the Watling Street near Norton, by the side of this levelled mound, and somewhat further to the north, made an awkward bend towards the west. It was to obviate this, and in connexion with making a good approach to his residence at Norton Hall, that Mr. Botfield obtained the permission of his neighbour, Mr. Thornton, over whose home farm the road passed, to alter the course of the road in this situation. Thus, for the space of two hundred yards, the hedge on the eastern side of Watling Street was cut down, the bank levelled, and the 'Street' itself carried over the site of the ancient

FIBULA FROM NORTON.



ACTUAL SIZE.

grave-mound. In doing this the workmen came upon the bones which had been exhumed eight years previously, and also met with at least one grave not before exposed. It was from this grave, or graves, that the objects presented to the Society in 1863 were obtained.

"The skulls and some other osseous remains sent to me were those of five or six persons, of whom one or two were perhaps men, the others women, or children probably of the female sex. All the crania were dolichocephalic. The four which remain in my Collection (Nos. 168-171), have a 'cephalic-index' (*breadth-index*), varying from $\cdot 71$ to $\cdot 75$ —average $\cdot 73^2$; and a *height-index*, varying from $\cdot 70$ to $\cdot 75$ —average $\cdot 72^5$. The lower jaw of one adult, probably male, skull (No. 169), and that of one girl (No. 170), are deeply stained of a bright green colour, no doubt derived from the brazen fibulæ with which the dress in which the bodies had been interred was fastened. It was probably with these two skulls that the objects presented by Mr. Botfield were found.^a

"Two of the skulls (Nos. 168, 170, especially the latter) present in a striking degree that warped and twisted form caused by moisture and pressure of the earth, to which, many years ago, I gave the name of *posthumous distortion*, and which, in the case of the skulls exhumed some years since at Wroxeter, so much perplexed several distinguished antiquaries.

"This Anglo-Saxon grave-mound of Norton presents no resemblance to the considerable cemetery, also of the Anglo-Saxon period, which rewarded the exploration of Sir Henry Dryden, at Barton Furlong, near Marston St. Lawrence, in the same county.^b Much more analogous was the discovery in 1824 of Anglo-Saxon graves, twenty miles further north, in the very centre of the Watling Street, near Bensford Bridge, on the borders of Leicestershire and Warwickshire. The graves, in this instance, were much more numerous than at Norton, and were very prolific in remains, which have been described by M. H. Bloxam, Esq. F.S.A.^c These two instances seem to prove that one situation selected by the Anglo-Saxons for the graves of their dead was the skirts and summits of the paved roads of their immediate predecessors, the Romans."

^a As the late Hon. R. C. Neville's researches at Linton Heath seem to show, the large cruciform fibulæ were worn by both sexes. *Arch. Journ.* 1854, xi. p. 95-115. Their use by women also appeared probable from the discoveries in the mound near Driffield, Yorkshire. See the writer's paper in Mr. J. T. Akerman's *Pagan Saxondom*, p. 37.

^b *Archæologia*, xxxiii. p. 326.

^c *Monumental Architecture and Sculpture of Great Britain*, 1834, p. 44, and *Fragmenta Sepulchralia*, p. 56. In this last unpublished work Mr. Bloxam gives numerous wood-cuts of the objects found in the graves, which in the first instance, and for some time afterwards, he supposed to be "Romano-British."

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ERRATA.

Page 332, line 22. *For* Lugwig *read* Ludwig.
 Page 345, note ‡, line 4. *For* seed *read* reed.